ANNO TERTIO

GEORGII IV. REGIS.

Cap. lviii.

An Act for providing an additional Market Place in and for the Town of *Rochdale* in the County Palatine of *Lancaster*. [24th *May* 1822.]

WHEREAS the Town or Parish of *Rochdale*, in the County Palatine of *Lancaster*, hath, of late Years, greatly increased in Population and Buildings, and the present Market Place, which is held in a certain Place in the said Town called the *Market Place*, has become so inadequate, that the Passages along the Public Streets within the said Town are greatly obstructed, and rendered dangerous to the Inhabitants of the said Town, and also to Travellers, by reason of the Number of Stalls and Standings placed therein: And whereas it would be a great Convenience to the Inhabitants of the said Town, and to Persons frequenting the said Town on Market and other Days, and would tend to remove Nuisances and Obstructions, if a new or additional Market Place was provided and established in that Part of the said Town of *Rochdale* as is situate in the Townships of *Hundersfield* and *Spotland*, or One of them, in the said Parish of *Rochdale*, and lies between certain Streets in *Rochdale* aforesaid, called the *Yorkshire Street*, *Toad Lane*, *Blackwater* and *Cheetham Street*, with proper Ways, Avenues, or Approaches thereto, and under proper Regulations: And whereas it would be a great Convenience to the Inhabitants of the said Town, and to Persons resorting thereto, if a Town Hall or Market House with proper and sufficient Offices and other Works and Conveniences were built and

erected within and for the said Town, and if good and sufficient Stalls, Standings, and other Accommodations were erected, built, and provided within the said additional Market Place intended to be made and established, for the Uses and Purposes thereof, and if proper Regulations were made and established for the good Government thereof; but the 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 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 *Robert Ashworth*, *John Ashworth*, *Edward Ball*, *Isaac Ball*, *Charles Ball*, *Joseph Butterworth*, *James Butterworth*, *Charles Butterworth*, *Thomas Booth*, *Abraham Brierly*, *Joseph Butterworth*, *Joseph Brierly*, *Christopher Barker*, *Thomas Baker*, *Roger Cunliffe*, *James Clegg*, *James Clough*, *John Elliott*, *Jonathan Fildes*, *Joseph Fenton*, *Lawrence Hardman*, *John Holland*, *John Holme*, *William Holme*, *James Holt*, *James Hartley*, *John Holt*, *James Hamer*, *William Holt*, *Edmund Holt*, *Ellen Hampson*, *Joseph Heap*, *George Holt*, *John Haynes*, *James Holliday*, *Richard Holt*, *E Howard*, *John Howard*, *James Hopwood*, *James Isherwood*, *Edmund Jones*, *John Jones*, *John Lord*, *John Marriott*, *Smith Newall*, *George Ormerod*, *James Pilling*, *Richard Pickering*, *James Prockter*, *James Royds*, *Clement Royds*, *John Roby*, *Joseph Sleath*, *Henry Staley*, *James Stott*, *Samuel Stott*, *Robert Shepherd*, *Richard Sellars*, *James Turner*, *Samuel Tweedale*, *George Walmsley*, *Walter Vavasour*, *Henry Webb*, *James Wrigley*, *Robert Wrigley*, *John Whitaker*, and such Person or Persons as may hereafter become Subscribers, or shall at any Time hereafter be possessed of One or more Share or Shares as herein-after mentioned, of and in the said new Market Place, shall have Power and Authority to purchase Land or other Hereditaments for the Purpose of the said Market Place, and are hereby authorized and empowered to raise or borrow as herein-after mentioned a sufficient Sum or Sums of Money to purchase certain Houses, Buildings, Erections, Lands, Tenements, and Hereditaments mentioned in the First Schedule to this Act annexed, to the Extent of Seven thousand two hundred and forty-seven superficial Yards and no more, and in the said Site, contained in the said Seven thousand two hundred and forty-seven superficial Yards, to make, erect, and build a new or additional Market Place for all such Articles as shall be brought there to vend or dispose of, with proper Sheds, Shambles, Shops, and other Conveniences to the same for the Accommodation of the Public, and to do and perform all other Acts, Matters, and Things which shall be deemed necessary or proper for making, preserving, maintaining, and using the said new or additional Market Place, according to the true Intent and Meaning of this Act; they the said Proprietors, their Trustees, Agents, Officers, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction for all such Damages as shall be done to any Person or Persons as may be so damnified in consequence thereof.

Proprietors.

Proprietors authorized to raise Money to make a Market Place;

with Sheds, Shambles, &c.

Proprietors Meetings.

II. And be it further enacted, That the said Proprietors, together with such other Person or Persons who shall be entitled to One or more Share or Shares in the said additional Market Place, shall hold a General Meeting at the *Roebuck Inn*, in *Rochdale* aforesaid, on the Fourth *Thursday* next after the passing of this Act; and One General Meeting shall be held

by

by them, their Successors and Assigns, on the Second *Thursday* in the Month of *May* in every Year, at or after the Hour of Ten of the Clock in the Forenoon, at some convenient Place within the said Town of *Rochdale*, at which said General Annual Meeting the Proprietors assembled shall chuse Eleven Persons, being respectively Proprietors of Two or more Shares in the said Undertaking, to be Trustees for managing the Affairs of the said Proprietors, in such Manner as is herein directed; but if at any Time it shall appear to any Ten or more of the Proprietors, that for the more effectually putting this Act into Execution an occasional General Meeting of the Proprietors shall be necessary to be held, it shall be lawful for any Ten or more of them, by Notice to be published in One of the *Manchester* Newspapers and circulated in *Rochdale* aforesaid, and also to be affixed on the Door of the Parish Church of *Rochdale* aforesaid during the Time of Divine Service in the Morning of Two *Sundays* at least before such intended General Meeting, and also by such other Means as the said Proprietors at any such General Meeting shall direct; and also specifying in every such Notice the Reason for and Intention of such Meetings respectively, to call a Meeting of the Proprietors of the said Market; and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given with respect to the Matters so specified only; and at all such General Meetings (whether the same shall be Annual or Special) every Proprietor shall have One Vote for each Share such Proprietor shall respectively possess; which Vote may be given by him or her, or by his or her Proxy or Proxies duly constituted under his or her Hand, and the Majority of such Votes shall be binding upon all the said Proprietors; and at every such Meeting a Chairman shall be chosen, who, in case of an Equality of Votes upon any Question, (including the Chairman's Vote,) shall have a further or casting Vote; and all the Orders, Resolutions, and Proceedings of the said Proprietors, assembled at any Annual or Special Meeting, shall be fairly entered in a Book or Books to be kept for those Purposes, with the Names of the Proprietors who shall be present at the respective Meetings, and signed by the Chairman of such Meeting; and such Book or Books, so signed and subscribed, shall be deposited with the Clerk to the said Proprietors; and all such Entries therein, being so signed and subscribed, shall be deemed and taken to be Originals, and the same, or true Copies thereof, shall be admitted to be read in Evidence in all Courts whatsoever, in all Causes, Suits, and Actions touching any thing to be done in pursuance of and under the Authority of this Act; and the said Book or Books shall be open to the Inspection of the said Proprietors and Trustees, or any of them, at all seasonable Times, without Fee or Reward: Provided always, that no Person who shall be possessed of any less Interest than One whole Share in the said Undertaking shall be entitled to vote at any Meeting or Meetings of the said Proprietors held by virtue of this Act, either in Person or by Proxy, or to hold and vote as Proxy for any other Person, or in any Manner to act or vote, or interfere in the Management of the said Undertaking, as a Proprietor thereof, for any of the Purposes of this Act; nor shall any Person having less than a whole Share be allowed to empower any Person having any joint Interest in a Share to vote or act as a Proprietor in respect of the whole Share.

Trustees to be chosen.

Occasional General Meetings.

Proprietors to vote by themselves or Proxies.

III. And

Trustees to have no more than One Vote at any Meeting.

III. And be it further enacted, That no One Trustee to be elected by virtue of this Act, although he may be a Proprietor of several Shares in the said new Market, shall have more than One Vote at any Meeting of the Trustees of the said Market, except the Chairman who shall be chosen by and out of the said Trustees, and who shall have another or a casting Vote, in case of a Division of equal Number, although he may have given One Vote before; and at every such Meeting, any Three of the said Trustees met together shall have Power to act, in the same Manner as if the Whole were present; and the said Trustees shall meet at such Times and Places, and from Time to Time adjourn themselves to such other Time and Place, as they shall think fit; and if it shall so happen that there shall not appear within Two Hours of the Time appointed for any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustees or Trustee then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case may happen, adjourn such Meeting to such other Day within Twenty-one Days then next following.

Orders to be entered in a Book, and signed by the Chairman;

and the same or Copies thereof admitted as Evidence.

IV. And be it further enacted, That all the Acts, Orders, Resolutions, and Proceedings of the said Trustees shall from Time to Time be fairly written and entered by the Clerk for the Time being to the said Trustees in a proper Book or Books to be kept for those Purposes, with the Names of the Trustees who shall be present at the respective Meetings, and signed by the Chairman of such Meeting; and such Book or Books so signed and subscribed shall be deposited with the Clerk to the said Trustees for the Time being; and all such Entries therein being so signed and subscribed shall be deemed and taken to be Originals, and the same or true Copies thereof shall be admitted to be read in Evidence in all Courts whatsoever, in the Causes, Suits, and Actions touching any thing to be done in pursuance of and under the Authority of this Act; and the said Book or Books shall be open to the Inspection of the said Trustees, or any of them, at all seasonable Times, without Fee or Reward.

A Clerk and Treasurer to be appointed.

V. And be it further enacted, That it shall be lawful for the said Proprietors, at their First General Meeting, or at any future General Meeting, from Time to Time, to nominate and appoint fit and proper Persons to be their Clerk and Treasurer, with such Salary or Salaries as the said Trustees for the Time being shall think proper; and which said Clerk shall, from Time to Time, enter all the Proceedings of the said Proprietors and their Trustees in Books to be provided for that Purpose; and which said Treasurer shall keep and enter all Accounts of Monies received and expended on account of the said Undertaking in Books likewise to be provided for that Purpose, and shall from Time to Time receive and collect from the said Proprietors the Calls on account of the said Undertaking, which shall be made by the said Trustees at any Meeting, and keep a just Account thereof, subject to the Controul of the said Trustees; and at every General Annual Meeting all the Accounts of the said Clerk and Treasurer with the said Proprietors shall be audited, and when approved of, be settled and allowed.

Officers to give Security.

VI. Provided always, and be it further enacted, That the said Proprietors shall and they are hereby required to take sufficient Securities from every such Treasurer or Receiver to be appointed for the Purposes

of this Act, for the due and faithful Execution of his Office, and if they shall think proper, may also take such Security from any other Officer to be appointed under or by virtue of this Act.

Officers to account.

VII. And be it further enacted, That all Collectors and other Officers or Persons who shall be appointed under or by virtue of this Act, shall from Time to Time when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, or on account of the said Market, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands when thereunto required, in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Twenty-one Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, relating to the Execution of this Act; and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County, Riding, or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live or reside, by the said Trustees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before him; and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode (no reasonable Cause or Causes being shown for such Non-appearance), to issue a Warrant or Warrants for his or their Apprehension; and upon his or their appearing upon such Summons, or being apprehended and brought before him by virtue of such Warrant, or having absconded and not being to be found, it shall be lawful for such Justice to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected and received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same,

or if such Officer or Officers, Person or Persons, appearing or being brought before the said Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, then and in any of the Cases aforesaid such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County, Riding, or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees; or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Three or more of them, are hereby empowered to make and receive), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees; but no such Officer or other Person who shall be committed for Default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Collectors, &c. to be appointed.

VIII. And be it further enacted, That the said Trustees for the Time being or any Three or more of them may and they are hereby empowered, at any of their Meetings, to appoint a Collector or Collectors of the Tolls, Duties, Rents, and Stallage arising from or in the said new Market or under the Powers of this Act, and also an Inspector or Inspectors of the said new Market, and such other Officers and Assistants for the Execution of this Act as the said Trustees for the Time being or any Three or more of them shall think proper; and from Time to Time to remove such Officers and Persons respectively, as the said Trustees or any Three or more of them shall see occasion, and to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable.

Books of Accounts to be kept, and to be open to the Inspection of Trustees and Creditors.

IX. And be it further enacted, That the said Trustees shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk 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 such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Proprietors and Trustees, or any Creditor or Creditors on the Rates hereby granted, without Fee or Reward; and the said Proprietors, Trustees, and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts

Parts thereof, without paying any thing for the same; and in case the said Clerk shall not permit or shall refuse to permit the said Proprietors, Trustees, or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding the Sum of Five Pounds, to be levied, recovered, and applied in manner as any other Penalty is by this Act directed to be levied, recovered, and applied.

Clerk not to be Treasurer, and vice versâ.

X. And be it further enacted, That it shall not be lawful for the said Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Proprietors; and if any Person shall act in both the said Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered together with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

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

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

XII. And be it further enacted, That all Actions and Suits in relation to any Property or Concerns of the said Proprietors under this Act, and all Proceedings in Law or Equity against any Person or Persons, or Body or Bodies Politic or Corporate, in relation to any of the Concerns of the said Proprietors under this Act, and all Distresses for Rent of any Premises held by the said Proprietors under this Act, shall and lawfully may be commenced or instituted and maintained and prosecuted, and Verdicts, Judgments, and Executions had thereon, in the Name or Names of any one or more of the said Trustees, or in the Name of the Treasurer or Clerk for the Time being to the said Proprietors, as the nominal Plaintiff for or on Behalf of the said Proprietors; and all Actions and Suits and Proceedings in Law or Equity against the said Proprietors, by any Person or Persons, or Body or Bodies Politic or Corporate, for the Recovery of any Claim or Demand against the said Proprietors, or for any other Cause or Causes of Action against the said Proprietors, in relation to the said new Market, or any other Matter or Thing, shall or lawfully may be commenced, instituted, and prosecuted against any one or more of the said Trustees, or against the Treasurer or Clerk for the Time being to the said Proprietors, who shall in every such Case be the nominal Defendant or Defendants for and on the Behalf of the said Proprietors; and

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all such Actions, Suits, and Proceedings, and the Processes, Verdicts, and Judgments had therein, for and on behalf of and against the said Proprietors respectively, shall be as valid and effectual as if the said Proprietors had been Plaintiffs or Defendants in such Actions, Suits, or Proceedings, and had been actually named as such therein, and had all lived during the Continuance of such Actions, Suits, or Proceedings respectively, and until the same had been respectively discharged and satisfied; any Law, Statute, or Custom to the contrary notwithstanding.

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

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

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

XIV. Provided always, and be it enacted, That no Action, Indictment, Information, Prosecution, or Proceeding shall abate or be discontinued by the Death, Resignation, or Removal of any such Trustee, Treasurer, or Clerk, or by any Act or Default of such Trustee, Treasurer, or Clerk, without the Consent or Direction of the said Proprietors.

Proprietors empowered to raise Money for the Purposes of this Act.

XV. And to the End that the said Proprietors may be enabled to complete, improve, and maintain the said new or additional Market Place, be it therefore further enacted, That it shall be lawful for the said Proprietors to raise and contribute amongst themselves, or by the Admission of new Proprietors, such Sum or Sums of Money as they shall think proper for making, completing, and maintaining the said new Market Place and the Shops and other Buildings belonging thereto, and other the Purposes of this Act, not exceeding in the Aggregate the Sum of Eighteen thousand Pounds; and the whole Money so raised and contributed shall be divided into equal Shares of Fifty Pounds each Share, and a sufficient Part of the Money so to be contributed, or which shall be otherwise

raised by virtue of this Act, is hereby directed in the First Place to be applied in defraying the Charges and Expences attending the obtaining and passing this Act, and all the Residue and Remainder of such Money in the Purchase of the necessary Lands, Messuages, Tenements, and Hereditaments, for and towards making, completing, and maintaining the said new Market Place and Avenues leading thereto, and in erecting proper Shops, Sheds, Stalls, and such other Buildings and Conveniences, and for other the Purposes of this Act, as the said Trustees for the Time being or any Three or more of them at any of their Meetings may from Time to Time order and direct, and in defraying all other necessary Charges and Expences concerning the same, and for no other Use, Intent, or Purpose whatsoever.

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

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

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

XVII. Provided always, and be it further enacted, That no Forfeiture of any Share or Interest in the said Undertaking shall actually accrue, or the Share merge or become extinct, unless and until the same be declared to be forfeited at the next or some subsequent General Meeting of the said Proprietors (whether the same shall be annual or special) held after such Forfeiture shall happen to be made, nor until Seven Days Notice shall have been given to the Proprietor or Proprietors of such Share or Shares, or left at his, her, or their last or usual Place or Places of Abode; and every such Forfeiture on the said Penalty of Five Pounds for every Share being paid shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting, against all Action and Actions, Suits or Pro-

secutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement betwixt such Proprietor or Proprietors so forfeiting and the rest of the Proprietors with regard to carrying on the said new Market Place.

To oblige Subscribers to pay their Subscription.

XVIII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the Purposes hereinbefore mentioned, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as the said Trustees for the Time being, or any Three or more of them, shall order and direct; and the same shall be paid to such Person or Persons as the said Trustees for the Time being, or any Three or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall and may be lawful for the said Trustees for the Time being, or any Three or more of them, to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

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

XIX. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said new Market Place to sell and dispose of any Share or Shares he, she, or they is or are or shall hereafter be entitled to therein, subject to the Rules and Conditions herein mentioned; and that all such Shares or any Part or Parts of such Shares shall be and are hereby vested in the several Proprietors before mentioned, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, in Proportion to their several and respective Rights, Titles, and Interests in and to the Monies already by each of them respectively heretofore advanced, and which shall hereafter be subscribed and paid at any Time or Times for the Purposes of this Act; and all and every the said Shares or Parts of Shares shall be deemed to be Personal Estate, and shall pass as such, and not in the Nature of Real Property.

Form of Transfer of Shares in case of Sale.

XX. And be it further enacted, That the said Shares shall be sold, assigned, and transferred in the following Form; that is to say,

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

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

XXI. And be it further enacted, That before any Person or Persons who shall claim any Part or Share of the Rents and Income of the said new Market Place in Right of Marriage shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or

the Effect of such Register, shall be made and sworn to by some credible Person before a Master or Masters Extraordinary in Chancery, or One of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*, and shall be transmitted to the Clerk of the said Proprietors for the Time being, who shall file the same and make an Entry thereof in a Book or Books which shall be kept for that Purpose; and before any Person or Persons who shall claim any Part or Share in the said new Market Place, or the Rents and Profits thereof, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the Probate Copy of the said Will, or the Letters of Administration, in case the said Proprietor shall have died intestate, shall be produced and shown to the Clerk to the said Proprietors, who shall thereupon cause a Copy or Extract of the Letters of Administration, in case the Proprietor shall have died intestate, or if not, then of the Letters of Administration annexed to the said Probate, to be taken, which shall be collated and attested as a true Copy thereof by the said Clerk, and shall be deposited amongst the Papers belonging to the said Proprietors, and he shall enter and file the same in Manner herein-before mentioned, and thereupon the Stock of the Proprietor so dying shall be transferred in the Books of the said Proprietors into the Name or Names of his or her Executors or Administrators, to be by such Executors or Administrators transferred and disposed of according to the said Will, or in a due Course of Administration.

Property to be vested in Trustees.

XXII. And be it further enacted, That all Messuages, Buildings, Lands, and Grounds to be purchased by the several Subscribers to the said new Market Place under this Act for any of the Purposes thereof, and also all Messuages, Buildings, and Conveniences which shall be erected and made by them for the Use of the said new Market Place, or for any of the Purposes of this Act, or in the making of any Improvement under the same, shall be and the same are hereby vested in the Trustees for the Time being of the said Proprietors, their respective Heirs, Executors, Administrators, and Assigns, in Trust for the Whole of the said Proprietors; and that it shall be lawful for the said Trustees for and on Behalf of the said Proprietors, to treat, contract, and agree with the Owner of or Persons entitled to all or any Messuages, Tenements, Lands, and Hereditaments, which shall be necessary for making and completing the said new Market Place and the Approaches thereto, and which are more particularly mentioned and described in the First Schedule to this Act annexed, for the absolute Purchase of such Premises; which said Premises when purchased shall be repectively conveyed to and vested in the said Trustees in Fee Simple or otherwise, for the Purposes of this Act.

Power to treat for Lands.

Form of Conveyance to the Proprietors.

XXIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Proprietors and their Successors, shall be made in the Form or to the Effect following; that is to say,

'I in Consideration of the Sum of to me paid by the Proprietors of the *Rochdale* 'New Market, by virtue of an Act passed in the Third Year of the Reign 'of King *George* the Fourth, intituled [*here insert the Title of this Act*], 'do hereby grant and convey to the Trustees of the said Proprietors for 'the Time being all [*here describe the Premises to be conveyed*] and all my 'Estate,

'Estate, Right, Title, Term, and Interest to and in the same, and every 'Part thereof, to hold to the said Trustees, and to the Trustees for the 'Time being of the said Proprietors for ever. In Witness whereof I 'have hereunto set my Hand and Seal this Day 'of in the Year of our Lord .'

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

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

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

Power for incapacitated Persons to sell, &c.

XXV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on the Behalf of themselves, but also for and on the Behalf of their respective Cestuique Trusts or Wards, Femes Covert, Infants, Issue unborn, Lunatics, Idiots, or other Persons whomsoever, and for all Femes Covert who are or shall be seised or interested in their own Right or entitled to Dower or Interest therein, and to and for all and every other Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Houses, Buildings, Lands, Grounds, or Hereditaments, which the said Proprietors are enabled to purchase or buy, and shall deem requisite to be purchased for any of the Purposes of this Act, to contract for Sale, and to sell and convey to the said Proprietors, or to any Person or Persons they shall appoint in Trust for them, all such Houses, Buildings, Lands, Tenements, Grounds, or Hereditaments, or any of them, or any Part thereof; and that all such Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances which shall be so made as aforesaid, shall be good and valid in the Law to all Intents and Purposes whatsoever, not only to convey the Estate, Term, and

and Interest of the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons conveying, but also all the Right, Estate, Interest, Term or Terms for Years, Use, Trust, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, Infants, or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all Persons claiming or to claim by, from, or under them; any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

Persons refusing or neglecting to treat, Jury to be summoned to settle the Damages, &c.

XXVI. Provided always, and be it further enacted, That if any such Person or Persons, Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons in anywise interested in such Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments required to be purchased and taken down for the Purposes of this Act, or any Occupier or Occupiers sustaining any such Loss, Injury, or Damage as aforesaid, (upon Notice to him or them given or left in Writing at the Dwelling House or Houses or usual or last Place or Places of Abode of such Person or Persons, or of the principal or head Officer or Officers of such Bodies Politic or Corporate, or Corporation, or at the House of the Tenant or Tenants in Possession of such Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments specified in the First Schedule to this Act annexed, and intended to be purchased, taken down, and converted into the said new Market Place, or made Parts of the said Streets, Lanes, public Ways, and Passages as aforesaid,) shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of, or the Interest they claim therein, to the Satisfaction of the said Trustees for the Time being, then and in every such Case the said Trustees for the Time being, or any Three or more of them, shall cause the Value of and Recompence to be made for such Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County; and for the summoning and returning such Jury, the said Trustees for the Time being, or any Three or more of them, are hereby empowered, from Time to Time, to issue out their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at the Sessions of the said County, and who are respectively seised or possessed of Freehold or Leasehold Estates within the said County, of the annual Value of Fifty Pounds, to appear before the said Sheriff at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff is hereby required to impannel, summon, and return such Number accordingly, to attend at the Time and Place so appointed; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff is hereby empowered to swear Twelve, to be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said High Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their

lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is also hereby required and empowered, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, (which Oath the said Sheriff is hereby empowered to administer,) all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises; and he shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, well as for his own as for the said Jury's better Information in the Premises, as the said Sheriff shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the said Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, to the respective Owner or Owners thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such Damage, and given in their Verdict, the said Sheriff shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Person or Persons interested in the said Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury.

Determination of Juries to be final and conclusive, &c.

XXVII. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Tenants in Tail or for Life, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person or Persons whomsoever, and all and every such Owners, Proprietors, Occupiers, and other Persons in anywise interested in such Dwelling Houses, Buildings, or Grounds, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, in, to, or out of the same; and on Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England*, in Manner by this Act directed, and after such Payment, it shall and may be lawful to and for the said Sheriff to cause the Premises, in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and thereupon the said Premises shall vest absolutely in the Trustees for the Time being of the said Proprietors, and they shall be and be deemed to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon shall be fairly entered, and kept amongst the Records of the Quarter Sessions of the Peace of the said County; and a Duplicate of such Verdict and Judgment shall be kept by the Clerk to the said Undertaking for the Time being; and the same, or true Copies thereof, shall be admitted, received, and taken as Evidence and Proof, in all Courts of Law

and

and Equity, at all Places whatsoever, and all Persons shall have Recourse to them gratis, and may take Copies thereof, paying Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words; and the said Sheriff acting in the Premises shall have Power, from Time to Time, to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury and shall not appear, without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or being so sworn shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons who being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn and give Evidence, so as such Fine to be imposed on any Juryman or Witness shall not exceed the Sum of Five Pounds for one Offence.

How the Expences of the Jury shall be paid.

XXVIII. And be it further enacted, That in case such Jury shall give in or deliver a Verdict for more Money, as a Recompence or Satisfaction for such Damages, than shall have been offered or tendered by or on the Behalf of the said Proprietors or their Successors, before the summoning or returning of such Jury, then the Costs and Expences of summoning and returning such Jury and Witnesses shall be borne and paid by the Treasurer for the Time being to the said Undertaking, out of the Money arising by virtue of this Act; which said Costs and Expences shall and may be ascertained and settled by some One Justice of the Peace for the said County; and in case of Non-payment of the same after having been so ascertained and settled, then the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Treasurer; but if any such Jury shall give in and deliver a Verdict for no more or less Money, as a Recompence or Satisfaction for such Damages, than shall have been offered or tendered by or on Behalf of the said Proprietors before the summoning and returning of the said Jury or Juries, then the Costs and Expences of summoning and returning of such Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Proprietors shall have had any Controversy or Dispute, and shall be recovered in the same Manner as any Penalties and Forfeitures are herein-after directed to be recovered; and in Cases where Parties by reason of Absence or Disability shall have been prevented from treating, such Costs and Expences shall be paid by the said Treasurer.

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

XXIX. And be it further enacted, That every Lessee or Tenant for Years, or at Will, Mortgagee, and every other Person in Possession of any Buildings, Lands, Tenements, or other Hereditaments, which shall be purchased by virtue and for the Purposes of this Act, shall deliver up the Possession of the Premises to the said Trustees, or to such Person or Persons as they the said Trustees for the Time being, or any Three or more of them, shall appoint to take Possession of the same, upon having Six Calendar Months Notice from the said Trustees for the Time being, or any Three or more of them, or the Person or Persons so appointed by them, to quit the same at such Time or Times as shall be required by

by such Notice, they the said Trustees making such Satisfaction and Compensation to every such Tenant or Lessee as aforesaid, (except a Mortgagee), in case he or she shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Trustees for the Time being, or any Three or more of them, shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made by the said Proprietors or their Trustees for the Purchase of any Buildings, Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained, in case of any Dispute or Difference about the same; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they may be required by the said Trustees for the Time being, or any Three or more of them, peaceably and quietly deliver up the Possession of the said Premises to the said Trustees, or to the Person or Persons authorized by them, or any Three or more of them, to take Possession thereof; and if any such Person or Persons so in Possession as aforesaid shall refuse or neglect to deliver up such Possession, then and in every such Case it shall and may be lawful to and for the said Trustees for the Time being, or any Three or more of them, to issue their Precept or Precepts to the said Sheriff to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing or Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

On Payment of Money Land to vest in Trustees.

XXX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Compensation for Damages, as herein mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within Three Calendar Months next after the same shall be so agreed for or assessed, or upon Payment of the said Sum or Sums of Money within the said Three Calendar Months into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, (but not before), it shall and may be lawful to and for the said Trustees and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Tenements, and other Hereditaments respectively; and then and thereupon such Lands, and Grounds, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Trustees, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion

and Remainder, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that in case any Person or Persons shall enter upon any such Premises, for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

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

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

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

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

this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

For widening the Streets.

XXXIII. Provided always, and be it further enacted, That the said Trustees shall, in forming the said Market Place, take down the Buildings on the North-west Side of the said Street called *Yorkshire Street*, so as to make the said Street of the Width of Thirty-four Feet at the Southern Corner of the said Market Place, and of the Width of Thirty Feet at the Eastern Corner thereof, and in the intermediate Space between the said Points of such Width as is described and delineated in a certain Plan of the said Market Place, signed by the Right Honourable *Edward* Lord *Stanley* Chairman, and herein-after directed to be deposited in the Office of the Clerk of the Peace of the County Palatine of *Lancaster*, and shall also, in forming the said Market Place, take down the Buildings on the North-east Side of the said Street called *Blackwater Street*, so as to make the said last-mentioned Street of the Width of Twenty-four Feet for the Extent of Twenty-seven Yards and a Half from the Southern Corner of the Building now standing at the End of *Yorkshire Street*; and that the said several Buildings shall be so taken down, so as to widen the said Streets, within the Space of Four Years from and after the passing of this Act; and in Default of the said Trustees taking down the said Buildings and widening the said Streets within the said Period of Four Years respectively, all the Powers, Authorities, Clauses, and Provisions of this Act, and all Matters and Things herein contained, shall cease and be void, and of no Effect whatever; save and except as to the Payment of any Compensation to any Person whose Property may have been taken, damaged, or injured by any Proceedings under the said Act; and in case the Space so to be left for widening the said Streets as aforesaid shall not, within Two Years after the passing of this Act, be purchased by the Surveyor or Surveyors of the Highways of the Division within which such Space of Ground shall lie, that then and in such Case the said Trustees, or any Three or more of them, shall transmit to the Magistrates acting for such Division, or any Two of them, a Certificate that such Space of Ground has not been purchased by such Surveyor or Surveyors; and the said Magistrates, or any Two or more of them, are hereby authorized and required to order and direct the said Surveyor or Surveyors of the Highways to raise and levy, by an increased Highway Rate or Assessment, the Sum of Five hundred Pounds, to be paid to the said Trustees, as a Compensation for the said Space of Ground so to be left for the widening of the said Streets as aforesaid, over and above what may be necessary for defraying the usual and current Expences of the Repairs of the Highways within the said Division; and the said Surveyor or Surveyors shall, when the said Sum of Five hundred Pounds shall be collected and raised, pay over the same to the said Trustees or their Treasurer; and the Receipt or Receipts of such Treasurer shall be a sufficient Discharge to such Surveyor or Surveyors for the Money thereby expressed to be received; and if any such Surveyor or Surveyors shall neglect or refuse to collect and levy any such Rate or Assessment, and pay over to the said Treasurer, within One Month after the said Streets shall have been respectively so widened as aforesaid, the said Sum of Five hundred Pounds, arising from such Rate or Assessment pursuant to the Direction of this Act, every such Surveyor or Surveyors shall, for every

such Offence, forfeit and pay to the said Trustees the Sum of Five hundred Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be granted or allowed.

Plan to be deposited with Clerk of the Peace.

XXXIV. And be it further enacted, That the aforesaid Plan shall, within One Month after the passing of this Act, be deposited in the Office of the Clerk of the Peace of the County Palatine of *Lancaster*, and remain there for the Inspection of all Persons whom it may concern.

Application of Compensation Money belonging to incapacitated Persons.

XXXV. And be it further enacted, That if any Money shall be agreed or adjudged to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infants, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Proprietors of the *Rochdale* new Market, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments), in the Purchase or Redemption of the Land Tax, or towards the discharging of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money, by Order of the said Court of Chancery upon Application thereto, shall be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Consolidated or Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

XXXVI. Pro-

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

XXXVI. Provided always, and be it further enacted, That if any Money so agreed or adjudged to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under his or their respective Hands), be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Persons to be nominated as Trustees by the Person or Persons making such Option, and approved of by the said Trustees for the Time being, or any Three or more of them for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If 20*l.* or under.

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

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

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed and adjudged for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used as aforesaid, shall, for the Space of Twenty-one Days after Notice thereof, neglect or refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees for the Time being, or any Three or more of them, or be not known or discovered or cannot be found, then and in every such Case it shall be lawful for the said Trustees for the Time being, or any Three or more of them, to order the said Sum or Sums so adjudged to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition,

tion, is hereby empowered in a summary way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

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

Court may order reasonable Expences to be paid by Trustees.

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

Power to borrow Money.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Proprietors from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Six thousand Pounds, as the said Proprietors shall deem necessary for the Purposes of this Act, upon the Credit of the Tolls and Duties to be laid and collected under and by virtue of the Second and Third Schedules of this Act annexed, and by Writing under the Hands and Seals of the said Trustees for the Time being, or any Three or more of them, to assign all or any Part of the said Tolls and Duties, together with (and as a further collateral and more ample Security) the Rents and Stallage to be received by the said Proprietors, under and by virtue of the Second and Third Schedules to this Act annexed, as also all other Rents, Tolls, and Duties to be collected and received by virtue of this Act, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security or Securities for any Sum or Sums of Money so to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignments (to be made in Manner and Form herein-after mentioned) shall be from Time to Time defrayed by the said Proprietors out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following; that is to say,

Form of Mortgage.

'WE whose Names are hereunder written and Seals affixed, being of the Trustees of the Proprietors of the *Rochdale* new Market Place, acting under and in pursuance of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], in Consideration of the Sum of advanced and lent by upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said [*or* to his or her Trustee or Trustees, *as the Case may be*] his [*or*, her or their] Executors, Administrators, or Assigns, such Proportion of the Tolls, Stallage, Rents, and Duties to be laid and collected by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing, or be charged upon the Credit of the said Tolls, Stallage, Rents, and Duties to be had and holden from this Day of until the said Sum of with Interest after the Rate of *per Centum per Annum* for the same, to be paid Half-yearly, at and shall be fully paid and satisfied. In Witness whereof we the said Trustees of the said Proprietors have hereunto set our Hands and Seals the Day of in the Year of our Lord .'

And all Persons to whom such Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Tolls, Stallage, Rents, and Duties equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Assignments; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the

same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment of the Money thereby secured, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

No Cattle, &c. to be slaughtered in any Shop or Standings in the new Market Place, &c.

XLII. And be it further enacted, That it shall not be lawful for any Person or Persons to kill, slaughter, or dress, or cause to be killed, slaughtered, or dressed, any Beast, Swine, Calf, Sheep, or other Cattle, in any Shop, Standing, or other Place in the said new Market, except in such Buildings or Places as may be erected and set apart for that Purpose; nor shall any Person or Persons, from and after the Space of Eighteen Calendar Months from the passing of this Act, put, place, or set up, or cause to be put, placed, or set up any Shop, Stall, Show, or Standing, or any Basket, Stool, Table, or Board, for the Purpose of showing, or selling, or exposing to Sale any Corn, Grain, Butchers Meat, Fish, Poultry, Butter, Eggs, Cheese, Vegetables, Fruit, or other marketable Commodities, Matters, or Things, on any of the Public Footpaths or Highways in the said Town of *Rochdale*, other than within the Limits of the said old Market Place and the said new Market Place; nor shall any Person or Persons thereafter, on any Market Day or Days, or any other Day, sell or expose to Sale, within the said Town of *Rochdale*, except in the said old Market Place or the said new Market Place, any Meat, Butter, Poultry, Eggs, Garden Stuff, Potatoes, Roots, or Vegetables, or any Fish, at any Time within the said Town, except as herein-after mentioned; and if any Person or Persons shall offend in any of the Cases aforesaid, such Person or Persons so offending shall forfeit and pay, for every such Offence, on Conviction before One or more Justices of the Peace for the said County, any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed: Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to prevent or hinder any Person from selling or exposing to Sale any marketable Commodities, Matters, or Things whatsoever in his or her own private Dwelling House, or in his or her own Shop, in any Part of the said Town of *Rochdale*.

Power to take Tolls.

XLIII. And be it further enacted, That from and after the Time the said new Market Place, or any Part thereof, shall be built or made fit for the Reception and Sale of Wares and Provisions, it shall and may be lawful for the said Trustees for the Time being, and they are hereby authorized and empowered to demand, receive, and take of and from all and every Person and Persons exposing for Sale any Article, Matter, or Thing, in the said new Market Place so to be made or built as aforesaid, such Tolls, Duties, Rents, and Stallage as shall from Time to Time be fixed and appointed by the said Trustees for the Time being, or any Three or more of them, not exceeding the several Tolls, Duties, Rents, and Stallage in the Second and Third Schedules to this Act annexed.

Power to compel Payment of Tolls or Stallage.

XLIV. And be it further enacted, That in case any Person or Persons holding or using or in any Manner occupying any of the said Sheds, Stalls, Standings, or other Conveniencies in the said new Market Place, or who shall bring, place, or expose for Sale within any Part of the said new Market, any Butchers Meat, or any other Goods, Articles, or Things whatsoever for or in respect of which any Toll or Stallage may be demanded

manded or taken thereon, shall, upon Demand made thereof by the Collector or other Person authorized to receive the same, neglect or refuse to pay, or shall wilfully evade the Payment of the several Sums, Tolls, or Stallage due in respect thereof by virtue of this Act; or in case any Dispute shall happen about the Amount thereof, then it shall be lawful for the Collector or other Person or Persons authorized and appointed to collect and receive the said Tolls and Stallage, either by himself and his Assistants, to seize and detain such Article, Matter, or Thing, until the Amount of the Tolls and Stallage due, and the Charges of keeping such Article, Matter or Thing, shall be ascertained by One or more Justice or Justices of the Peace for the said County Palatine of *Lancaster*, who, upon Application made for that Purpose, shall examine the Matter on the Oath of the Party or Parties, or his or their Witness or Witnesses, (which Oath such Justice or Justices is or are authorized to administer), and shall determine the Amount of the Tolls and Stallage due, and the Charges of keeping the same, and shall award such Costs and Charges to either Party as to such Justice or Justices shall appear right and proper; all which Tolls and Stallages, Costs and Charges, shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained upon.

To let Stalls. XLV. And be it further enacted, That it shall and may be lawful to and for the said Trustees for the Time being, or any Three or more of them, and they are hereby authorized and empowered to let any of the Stands, Stalls, Benches, or other Conveniencies to be erected, built, made, or set up by the said Proprietors or their said Trustees within the said new Market Place, to any Person or Persons who may be willing or desirous to take the same by the Year, Half Year, or Quarter of a Year, or any shorter Period, at their Discretion.

Proprietors to make Regulations in the Market. XLVI. And be it further enacted, That it shall be lawful for the said Trustees for the Time being, or any Three or more of them, from Time to Time to direct and appoint what particular and respective Parts of the said new Market Place shall be occupied or made use of for exposing to Sale any Commodities, Matters, or Things therein, and also from Time to Time to make such Rules, Orders, Regulations, and Bye Laws as the said Trustees for the Time being, or any Three or more of them, shall think proper and necessary for the better regulating, cleansing, letting, occupying, and using the said Markets, or any Part or Parts thereof, with such Penalty for disobeying the same, not exceeding Five Pounds, as they shall think fit, and for fixing and ascertaining the Time or Times at which all or any Goods, Wares, or Commodities shall respectively begin to be offered or exposed to Sale therein, and how long the same shall continue exposed to Sale, and also the Time or Times when and the Manner in which any moveable Shed, Stall, Standing, or Bench allowed to be used or set up in the said new Market Place shall be set up, used, and taken down and removed from the said Market Place, or deposited or laid by therein; which Rules, Orders, Regulations, and Bye Laws,

Laws, shall be from Time to Time printed, and when so printed shall be painted on Boards in White Letters on a Black Ground, and affixed upon Three conspicuous Parts of the said Market Place during such Markets respectively for Two Market Days before such Orders and Regulations shall be deemed to be in force, and shall from Time to Time be renewed when worn, or the Painting thereon obliterated or defaced; and the said Trustees for the Time being, or any Three or more of them, shall cause the Time or Times of beginning and concluding every Market to be announced by the ringing of a Bell or otherwise, as they shall think proper; provided always, that such Rules, Orders, Regulations, and Bye Laws, shall not be repugnant to any of the Provisions of this Act, or to any of the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*; and such Rules, Orders, Regulations, and Bye Laws shall be subject to appeal at the General Quarter Sessions of the Peace for the said County as herein-after mentioned; and provided that when such Notices, Orders, Regulations, or Bye Laws shall be obliterated, defaced, or destroyed, the same shall from Time to Time be renewed and rendered legible, as Occasion shall require.

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

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

Reasonable Amends to be paid into Court by Defendants, &c.

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

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

Form of Conviction.

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

Distress not to be unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form.

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

Recovery of Fines and Penalties, &c.

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

before them, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take, by way of Recognizance or otherwise; but if, upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for the said Justices, or any other Justices of the Peace for the said County, and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the said County, or House of Correction of the Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures, when so levied, (the Application whereof is not otherwise directed), shall be paid to the Treasurer acting under this Act, and be applied to the Purposes of this Act, and to or for no other Use, Intent, or Purpose whatsoever.

Appeal.

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

Limitation of Actions.

LIV. 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 the Execution of this Act, every such Action or Suit shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damages shall cease and not afterwards, and shall be laid or brought in the County within which the 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 Authority of this Act.

LV. Pro-

Saving Rights of the Lord of the Manor.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to lessen, diminish, or affect the Right of the Lord of the Manor to hold any Fair or Fairs within the said Town or reputed Town of *Rochdale*, or any Person or Persons from making, erecting, or setting up Booths, Stalls, or other Things, as usual, during the Time of holding any such Fair or Fairs, or the Right of the said Lord of the Manor to any Rents, Tolls, Duties, or Profits whatsoever, heretofore paid to him for or in respect of any such Fairs, or of any Booths, Stalls, Benches, or other Things to be erected and placed as aforesaid, or to any Right, Privilege, Liberty, Franchise, Rent, Duty, or Profit whatsoever, belonging to the said Lord of the Manor; but that the said Lord of the Manor shall and may continue to hold and enjoy all such Rights, Liberties, Privileges, and Franchises, and receive and take all such Rents, Tolls, Duties, and Profits in like Manner as he could or might or ought to have done in case this Act had not been made.

Protecting Rochdale Water Company.

LVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Privileges, or Authorities now belonging to the Company of Proprietors of the *Rochdale* Water Works, under or by virtue of any Act or Acts of Parliament now in force or otherwise howsoever; and that in case of the opening, making, raising, widening, or altering the said Streets and Avenues, in consequence of which the Pipes of the said Company shall be obliged to be altered, raised, taken up, removed to or relaid in some other Part or Parts of the Streets or Avenues aforesaid, the said Trustees or their Clerk shall, previous to the opening, making, raising, widening, or altering of the said Streets or Avenues, give or cause to be given to the said Company Twenty Days Notice in Writing, to be left at the Office or House of the Treasurer or Collector of the said Company in *Rochdale* aforesaid, in order that full Time and Opportunity may be afforded to the said Company to alter, raise, take up, remove, or relay their said Pipes as aforesaid; and which said Pipes shall be altered, raised, taken up, removed, or relaid by the said Company, out of the Funds arising under this Act; and if there shall be any Dispute between the said Trustees acting in Execution of this Act and the said Company, the same shall, from Time to Time, be ascertained and settled by a Justice of the Peace for the said County of *Lancaster*, upon the Application of either Party; and in case such Costs, Charges, and Expences, shall remain unpaid for the Space of Ten Days next after the Day on which the same shall have been so ascertained and settled as aforesaid, and Demand made thereof by or on Behalf of the said Company, from the Treasurer for the Time being of the said Trustees acting in Execution of this Act, the same shall and may be recovered from the said Trustees by the said Company of Proprietors, as any other Debt or Demand, and the Signature of the said Justice, to the Amount so by him ascertained and settled as aforesaid, shall be conclusive Evidence of the Amount of such Debt or Demand.

Public Act.

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

The First SCHEDULE referred to by the foregoing Act.

Yorkshire Street.

Public House, One Shop, Gateway, Yard, Cottages, and Out-buildings, belonging to Edmund Turner.

Public House, Dwelling House, Two Shops, Gateway, Cottages at the Back, Yard, and Out-buildings, belonging to James Butterworth and Brother.

Shop, Dwelling House, Warehousing Land, and Cottages in the Yard, the Property of Thomas Booth.

Shop, Dwelling House, Yard, Cottages, Land, and Premises, belonging to Samuel and John Clegg.

Shop and Dwelling House, belonging to Robert Leach.

House, Cottages, and Out-buildings at the Back, and Yard, belonging to Edward Percival.

Two Houses and back Premises, with joint Right of Gateway and Yard, belonging to the late John Shaw's Trustees.

Shop, Public House, and Premises, belonging to Edward Percival, with the Gateways and vacant Land.

Yorkshire Street and Blackwater.

Four Houses, or Shops, belonging to Mr. Thomas Wood.

Blackwater Street.

Four Houses, Yard, Warehousing, Out-buildings, and vacant Land, belonging to William Townley, Esq.

Blackwater and Toad Lane.

Six Houses, and Public House, with the Gateway, Yard, and back Premises, belonging to James Holt and his Sister.

Toad Lane.

Two Dwelling Houses, and Three Cottages in the Front, Gateway, Warehousing, Yards, and Back Buildings, the Property of Mr. Thomas Gore.

Public House, Back Yard, vacant Land, and Out-buildings, the Property of the Trustees of the Presbyterian Chapel.

Premises lying between Toad Lane and Yorkshire Street, and adjoining the foregoing Premises, or near thereto.

Three Cottages, and Three Stables, and vacant Land, belonging to Joseph Fletcher.

Four Cottages belonging to Mr. Richard Holt Millner.

Small Plot of vacant Land, in the Toad Lane, belonging to James Holt and his Sister.

Three Cottages belonging to the late Charles Stott.

Three Cottages belonging to Joseph Fletcher.

Five Cottages and vacant Land belonging to James Holt.

Four Cottages and Yard belonging to Samuel and John Clegg.

Cottages belonging to Thomas Booth.

Stable and Part of Public House, called the Woolpack, belonging to Joseph Brierly.

Public House, called the Horse Mill, Out-buildings, Yard, and Gate-way, belonging to John Shepherd.

The Second SCHEDULE referred to by the foregoing Act.

	£	s.	d.
For every Pair of Panniers or Hampers not measuring more than Four Feet in Length by Three Feet and a Half in Breadth and Eighteen Inches in Depth, and not occupying in the Whole more than Fourteen Feet, superficial Measure, on the Ground or Pavement, containing Poultry, Butter, Eggs, or any other Article of Provisions, (except Butchers' Meat and Vegetables,)			
For each Market or other Day in the Week, not exceeding the Sum of	0	0	9
If occupying any larger Space, for each and every additional superficial Foot, not exceeding - - - - -	0	0	1
For every single Pannier or Hamper containing the before-mentioned Articles, and not occupying in the Whole more than Four Feet in Length, One Foot Nine Inches in Breadth, and Eighteen Inches in Depth, and not occupying in the Whole more than Seven Feet, superficial Measure, on the Ground or Pavement, the Sum of - -	0	0	4½
If occupying any larger Space, for each and every additional superficial Foot, not exceeding - - - - -	0	0	1
For every Pair of Panniers or Hampers, not occupying more than Four Feet in Length by Three Feet and a Half in Breadth, and Eighteen Inches in Depth, and not occupying in the Whole more than Fourteen Feet, superficial Measure, on the Ground or Pavement, containing Vegetables or Fruit only, for each Market Day, not exceeding the Sum of - - - - - -	0	0	4
For every other Day in the Week, not exceeding the Sum of - - - - - - -	0	0	3
If occupying any larger Space, for each and every additional superficial Foot, not exceeding the Sum of - -	0	0	1
For every single Pannier or Hamper, containing Vegetables or Fruit only, not measuring more than Four Feet in Length by One Foot Nine Inches in Breadth and Eighteen Inches in Depth, and not occupying in the Whole more than			

	£	s.	d.
than Seven Feet, superficial Measure, on the Ground or Pavement, for each Market Day, not exceeding the Sum of - - - - - - - - -	0	0	2
For every other Day in the Week, not exceeding the Sum of - - - - - - - - -	0	0	1½
If occupying any larger Space, for each and every additional superficial Foot	0	0	1
For every Hand Basket, Hamper, or other Thing, containing Poultry, Butter, Eggs, or any other Article of Provision (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 or other Day in the Week, not exceeding the Sum of - - - - - - - -	0	0	3
For every Hand Basket, Hamper, or other Thing, containing Vegetables or Fruit only, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth, and Twelve Inches in Depth, for each Market Day or other Day in the Week, not exceeding the Sum of - - - - - - - -	0	0	2
If any Hamper, Pannier, or Basket shall exceed in Depth the Number of Inches herein-before respectively limited, for every additional Inch in Depth thereof the Sum of -	0	0	1
For every Bag (not containing more than Ten Pecks, Winchester Measure,) of Potatoes or Carrots, pitched in the Market, the Sum of - - - - - - - -	0	0	2
For every Bag of Turnips (not containing more than Ten Pecks, Winchester Measure,) pitched in the said Market, the Sum of - - - - - - - -	0	0	2
From the Occupier of each and every Stand, Stall, or Bench for the Sale of Pork, not exceeding Fourteen superficial Feet, which such Stall, Bench, or Stand shall measure on the Surface thereof, for each Market Day, not exceeding the Sum of - - - - - - - -	0	2	0
From the Occupier of each Compartment or Space on the Surface of the Ground within the said Market, used for the Sale of any other Goods, Article, or Thing not before enumerated, according to the Size and Dimensions of the same; (that is to say), for each and every superficial Foot thereof, for each Market Day, not exceeding the Sum of - - - - - - - - -	0	0	1½

The before-mentioned Tolls and Stallage in the said Market to be paid and payable in respect of the Occupation of any Stall, Stand, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof, for a Part or Portion of the Day, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

The

The Third SCHEDULE referred to by the foregoing Act.

The Maximum of Rent for which each Fish Shop, and each Butcher's Stall, shall be let by the Year.

	£	s.	d.
For each Fish Shop, not to contain less than Eight Feet Square, inside Measure, to be rented by the Year, not to exceed the Sum of - - - - - -	15	0	0
For each Butcher's Stall, fitted up with Racks and Hooks, and covered over from the Weather, to be occupied by Butchers not residing within the said Town on Two Market Days in the Week only, not to exceed the yearly Rent or Sum of - - - - - -	15	0	0
For each Butcher's Stall, fitted up as aforesaid, to be occupied by Butchers residing within the said Town, and to be occupied every Day in the Week, not to exceed the yearly Rent or Sum of - - - - -	15	0	0

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