ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. xiv.

An Act for taking down the Market House in the Town of *Saint Austell* in the County of *Cornwall*, and for erecting a more convenient Market House instead thereof; for providing a new Market Place; and for increasing and regulating the Markets and Fairs within the same Town.

[29th *April* 1842.]

WHEREAS the Town of *Saint Austell* in the County of *Cornwall* has become very populous: And whereas there has been for many Years past and still is regularly holden, partly in the Market House, but principally in the public Streets of the Town of *Saint Austell*, a weekly Market on *Fridays* for the Supply of Provisions, and also a Cattle Market (in addition) on every *Friday*, and Five Fairs on the *Thursday* next before *Easter*, the *Thursday* next before *Trinity Sunday*, the First *Friday* after the Twenty-third Day of *July*, the First *Friday* after the Sixteenth Day of *October*, and the Thirtieth Day of *November*, or in case of that Day being a *Sunday* then on the First Day of *December*, in every Year: And whereas the present Market House is become too small and confined for the Purposes for which it is now required, and is

very inconveniently situated, being in a very narrow Part of the Street which forms the principal Thoroughfare between *Falmouth* and *Plymouth*: And whereas it would be of great Advantage to the Town of *Saint Austell*, and all Persons resorting thereto, and to the Public, if the present Market House were taken down, and a new Market House erected in lieu thereof, in a more convenient Situation in the said Town, and also if a suitable Market Place were erected within the said Town, and if an additional weekly Market were holden for the said Town and Neighbourhood, and the Day for holding the aforesaid Fair in *July* were altered, and proper Rules and Regulations made and established, for the better regulating the same Markets and Fairs; 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 Queen'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,

Commissioners. That *George Andrew*, *Henry Andrew*, *William Brown*, *Thomas Bell*, *John Bray*, *Richard Carveth*, *Edward Coode*, *Edward Coode* the younger, *Thomas Coode*, *John Cory*, *William Couch*, *William Clemes*, *Thomas Drew*, *Joseph Drew*, *Jacob Halls Drew*, *Thomas Grose*, *Thomas Hitchins*, *James Hockins*, *John Hoskins*, *William Kitt*, *Robert Gould Lakes*, *Henry Lewarne*, *John Martin*, *Christopher Merrifield*, *John Merrifield*, *William Medlend*, *Elias Martyn*, *Joseph Morcom*, *Richard Parsons*, *William Petherick*, *Joseph Pedler*, *Edmund Parnall*, *John Roberts*, *Joseph Robins*, *John Rendle* the younger, Sir *Joseph Sawle Graves Sawle* Baronet, *Charles Brune Graves Sawle*, *William Shilson*, *Edward Stocker*, *Fortescue Todd*, *James Thomas*, *Thomas Thriscutt*, *John Edey Veale*, *Richard Veale*, *Andrew Veale*, *William Vercoe*, *John Watts*, and *Philip Wheeler*, and their Successors, to be appointed in the Manner herein-after mentioned, shall be the first Commissioners for carrying this Act into execution, and shall continue in Office until the First Day of *June* One thousand eight hundred and forty-three, or until other Commissioners shall be elected in their Place in manner herei-nafter mentioned.

Qualification of Commissioners. II. And be it enacted, That every Commissioner under this Act shall be a resident Inhabitant of the Parish of *Saint Austell*, and shall either be rated to the Rate made for the Relief of the Poor of the same Parish in the annual Sum of Fifteen Pounds or upwards, or be seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the said Parish of the annual Value of Forty Pounds, for an Estate not less than a Life in being, for his own Use, or be possessed of a Personal Estate of not less than One thousand Pounds beyond what will satisfy all his Debts.

Same Property not to give Two Qualifications. III. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof.

No Bankrupt or Insolvent to be a Commissioner. IV. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

V. And

No Person holding Office, or concerned in a Contract, to be a Commissioner.

V. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Commissioner not incapable of acting as a Justice.

VI. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner.

Declaration by Commissioners.

VII. And be it enacted, That no Person shall be capable of acting as a Commissioner, except in administering the Declaration hereinafter mentioned, until he shall have made and signed before One of the Commissioners a Declaration to the Effect following:

'I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act of Parliament, intituled [*here insert the Title of this Act*]; and also that I am a resident Inhabitant of and am rated to the Rates made for the Relief of the Poor of the same Parish, in the annual Sum of Fifteen Pounds; *or* that I am a resident Inhabitant of and am seised and possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the said Parish of the annual Value of Forty Pounds, for an Estate not less than a Life in being, for my own Use; *or* am a resident Inhabitant of the said Parish, and am in possession of a Personal Estate of not less than One thousand Pounds Value beyond what will satisfy all my Debts.'

False Declaration a Misdemeanor.

VIII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Declaration to be taken at the First Meeting.

IX. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as One of such Commissioners such Person shall make and subscribe the Declaration herein required, and it shall be lawful for any Person attending as One of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty for acting as a Commissioner not being qualified.

X. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had

had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Commissioner neglecting to act.

XI. And be it enacted, That if any Commissioner fail to act in the Execution of this Act for One Year, such Commissioner shall be deemed to have refused to act, and therefore shall cease to be a Commissioner until he shall be re-elected as herein-after mentioned.

Period of Service of Commissioners, and Time of going out.

XII. And be it enacted, That the Commissioners appointed by this Act shall go out of Office by Rotation as follows; (that is to say,) in the Month of *June* in the Year One thousand eight hundred and forty-three One Fourth of such Commissioners shall go out of Office, and at the same Time in the following Year One Third of the remaining Commissioners shall go out of Office, and at the same Time in the following Year One Half of the Remainder of the Commissioners shall go out of Office, and at the same Time in the following Year the Remainder of the Commissioners shall go out of Office, and at the same Time in every subsequent Year One Fourth of the Commissioners, being those who have been longest in Office, shall go out of Office; and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of a similar Number of Commissioners, as herein-after provided.

Commissioners re-eligible.

XIII. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such Re-election he shall, with reference to going out by Rotation, be considered as a new Commissioner.

Rotation of Commissioners named by the Act.

XIV. And in order to determine the Rotation by which the Commissioners are required to go out of Office, be it enacted, That within Three Months after the passing of this Act the Commissioners shall meet at the *Queen's Head* Inn or some other convenient Place within the Town of *Saint Austell*, for the Purpose of forming a Rotation List of the Commissioners; and at such Meeting the Clerk to the Commissioners, or some other Person to be previously appointed by the Commissioners for that Purpose, shall write the Names of all the then Commissioners on separate Slips of Paper, all as nearly as may be of equal Size, and having folded them up in the same Manner he shall put them in a Box, and shall draw out such Slips in succession, and the Names upon the Slips so drawn shall be inserted by such Clerk in a List in the Order in which they shall be so drawn, and such List shall be kept by such Clerk for the Purposes of the Act; and the Names in such List shall be numbered consecutively, and the Commissioners shall retire from Office in the Order in which their Names appear on such List, according to the Proportion hereinbefore mentioned.

XV. And

Qualification of Electors.

XV. And be it enacted, That every Person who shall be qualified to fill the Office of Commissioner under this Act shall be entitled to vote in the Election of Commissioners to supply the Places of those retiring by Rotation.

Manner of Election for supplying periodical Vacancies.

XVI. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat shall be held at the new Market House to be built under the Authority of this Act, or at some other convenient Place in the Town of *Saint Austell*, on the First *Monday* in *June* in each Year, between the Hours of Ten of the Clock in the Morning and Four of the Clock in the Afternoon; and between the Hours aforesaid the Persons by whom such Election is to be made shall respectively deliver to the Clerk of the said Commissioners, or in his unavoidable Absence to some Person authorized for that Purpose by the Commissioners, a Paper containing the Names of the Persons for whom they respectively vote to fill the Office of Commissioners; and the Persons, not exceeding the Number of Commissioners proper to be elected at such Meeting, having the Majority of Votes at such Election, shall be Commissioners for the Purpose of carrying this Act into execution; and if at any such Election there be an Equality for Two or more Persons, the Clerk to the said Commissioners, or such Person as aforesaid, shall, if necessary, to prevent an Excess in the Number of Commissioners, decide by Lot upon the Person to be elected.

Mode of supplying Vacancies.

XVII. And be it enacted, That if any of the Commissioners die or resign, or be disqualified, or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Commissioners, if they think fit, to elect another Commissioner to his Place; and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

First and other Meetings.

XVIII. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting at the House called the *Queen's Head* Inn, or some other convenient Place within the said Town, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a yearly General Meeting of the Commissioners shall be held on the Second *Monday* in *June* at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Town; and if at any such Meeting there shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner, if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Commissioners or the Clerk to appoint a Meeting to be held at any convenient Place within the same Town,

and not less than Seven Days Notice shall be given of such intended Meeting.

Special Meetings.

XIX. And be it enacted, That it shall be lawful for the said Commissioners to hold Special Meetings, and any Three or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Quorum of Commissioners.

XX. And be it enacted, That all Powers of this Act may be exercised by any Five or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting.

How Notices of Meetings are to be given.

XXI. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the Commissioners, and advertised in One or more Newspapers circulated within the County of *Cornwall*, Seven Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences of Meetings.

XXII. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

General Meeting may appoint Committees.

Duration of Committees.

XXIII. And be it enacted, That it shall be lawful for the said Commissioners at any General Meeting to appoint a Committee, consisting of not more than Five of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the Annual General Meeting of the Commissioners next following its Appointment.

Quorum of Committees.

XXIV. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of Business at Meetings of Commissioners and Committees.

XXV. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having equal

Numbers

Numbers of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

No Resolution of Commissioners to be revoked at a subsequent Meeting, unless under certain Circumstances.

XXVI. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Ten Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of the Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

Commissioners empowered to enter into Contracts for the Purposes of this Act.

XXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to enter into Contracts with any Person for carrying into effect any of the Purposes of this Act; and the Commissioners may and they are hereby authorized to take Security from any such Contractor for the due Performance of his Contract.

Commissioners may compound for Breach of Contracts.

XXVIII. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to compound or agree with any Person on account of any Breach or Non-performance of such Contract as aforesaid, for such Sum of Money or other Satisfaction as the Commissioners shall think reasonable and proper.

Materials for Works contracted for to be considered the Property of the Commissioners.

XXIX. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury by Indictment as herein-after mentioned, be held to be the Property of such Commissioners.

Indictment how to be preferred.

XXX. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, deface or injure, any Property, Article, or Thing belonging to the said Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Commissioners not to be personally liable.

XXXI. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs,

Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Actions or Suits to be brought in the Name of any Two Commissioners or their Clerk.

XXXII. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Execution against Goods of Commissioners.

XXXIII. And be it enacted, That Execution upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Indemnity to Commissioners and Clerk.

XXXIV. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceeedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk, or Two Commissioners, or more, as aforesaid, it shall have been so brought without the Order or Direction of the Commissioners.

Proceedings to be entered in a Book, and be open for Inspection.

XXXV. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved

or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committees respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners and any of the Creditors or Rate-payers, or other Parties interested.

Commissioners to appoint Treasurer and other Officers.

XXXVI. And be it enacted, That the said Commissioners shall from Time to Time appoint a Treasurer and Clerk, Collector and Inspector, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Collector, Inspector, and Officers, and appoint others in their Stead.

Offices of Clerk and Treasurer to be separate.

XXXVII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer, and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Company other than that of Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

Officer taking Fees to lose his Office.

XXXVIII. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commissioners to take Security from all Officers intrusted with Money.

XXXIX. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XL. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners, and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments, and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

XLI. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Summons or Warrant under his Hand and Seal, cause such Officer to be brought before any Two Justices; or if such Officer cannot be found, then in his Absence such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justices may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount, it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of the Act, or belonging to the Commissioners, in his Possession or Power:

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts (if any) relating thereto in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things (if any) in his Possession or Power.

Commitment not to discharge Sureties.

XLII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Books of Account to be kept, and to be open to Inspection.

XLIII. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Creditor on the Stallage, Rents, and Tolls by this Act authorized to be collected and levied, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners and Creditors, at seasonable Times, to take Copies of or Extracts from the said Book, without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners or Creditors aforesaid to inspect such Books, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

An annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XLIV. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Cornwall*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Commissioners

Commissioners shall omit to prepare and transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Power to borrow on Mortgage.

XLV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest, on the Credit of the several Stallages, Rents, and Tolls by this Act granted, and other Property vested in such Commissioners, any Sum of Money which, together with any Sum previously borrowed, shall not exceed the Sum of Six thousand Pounds, and in the event of any Part of such Money being repaid by the Commissioners, to re-borrow the same, and so *toties quoties*, but so, nevertheless, that there shall not be owing on the Security aforesaid any more than the Sum of Six thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Stallage, Rents, Tolls, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same; and every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Rights of Mortgagees.

XLVI. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Stallage, Rents, and Tolls arising by virtue of this Act, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of the Priority of the Date of any such Mortgage, or on any other Account whatsoever.

Register of Mortgages.

XLVII. And be it enacted, That a Register of Mortgages shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage an Entry or Memorial specifying the Number and Date of such Mortgage, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register.

Transfer of Mortgages.

XLVIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Entry of Transfers of Mortgages.

XLIX. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk of the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial

Memorial thereof to be made in the same Manner as in the Case of the original Mortgage, and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage so transferred, or any Money thereby secured; and for such Entry the Clerk may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Interest to be paid half-yearly.

L. And be it enacted, That the Interest of the Money which shall be borrowed on Mortgage as aforesaid shall be payable and paid half-yearly to the several Parties entitled thereto.

Mortgages to be without Preference.

LI. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Stallage, Rents, and Tolls equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Power to purchase Lands.

LII. And be it enacted, That for the Purpose of making the said Market Place of sufficient Extent, and for opening proper Communications from the public Streets, Lanes, and Passages to the same, and also for widening the same so as to render the Approaches to the said Market Place safe and commodious for Passengers, Carts, and Horses, it shall be lawful for the Commissioners to agree with the Owners of the Lands mentioned in the Schedule (C.) to this Act annexed for the absolute Purchase, for a Consideration in Money, of such Lands, or such Parts thereof as the Commissioners shall think proper to be taken or used for the Purposes of this Act, and of all subsisting Leases thereon, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands, of what Kind soever, and to take down or alter all or any of the Houses or Buildings on such Lands, and to appropriate all or any of the Ground or Sites thereof respectively, and also to appropriate all or any of such Lands for all or any of the Purposes of this Act, as the Commissioners shall think fit.

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

LIII. Provided always, and be it enacted, That if any of the Lands which are mentioned or described in the Schedule (C.) 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 Lands shall and may be purchased, and conveyed, disposed of, and applied for the Purposes of this Act, as fully and effectually as if the same were more properly named and described in such Schedule, provided it shall appear to any Two Justices of the Peace for the County of *Cornwall*, and be certified by Writing under their Hands,

that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Parties under Disability enabled to sell and convey.

LIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties under Disability to exercise other Powers.

LV. And be it enacted, That the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may be lawfully exercised by every Party hereinbefore enabled to sell and dispose of or convey and release Lands to the Commissioners.

Consideration to be a gross Sum.

LVI. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

LVII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled, and in addition to Compensation for the Value of such Lands, or of the Interest therein, to be so conveyed, such Parties shall

shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LVIII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provisions hereinafter contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate, and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

LIX. And with respect to the Consideration or Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence or from any other Incapacity or Accident is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on Chief Rents.

LX. And be it enacted, That if any Person seised in Fee of, or entitled to dispose of absolutely for his own Benefit, any Lands authorized to be purchased for the Purposes of this Act, shall be willing to sell such Lands for a perpetual annual Rent-charge in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands or any Part thereof unto the Commissioners in consideration of an annual Rent-charge payable by the Commissioners to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of such Rents to be charged on the Tolls.

LXI. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Stallage Rents and Tolls payable under this Act, and shall be paid by the Commissioners as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Commissioners, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels vested in the Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer.

LXII. And

Form of Conveyance.

LXII. And be it enacted, That all Conveyances of the Lands so to be purchased may be according to the Forms in the Schedules (D.) and (E.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances, as shall have been purchased or compensated for by the Consideration therein mentioned, but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Costsof Conveyance.

LXIII. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as of the Purchaser of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless if within Seven Days after Notice in Writing from the Commissioners or their Clerk the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners or their Clerk, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

LXIV. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters, to be taxed in the usual Manner, and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly, and the Expence of

taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

LXV. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of the same, shall, if it amount to or exceed the Sum of Two hundred Pounds, 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 there *ex parte* "The Commissioners of the *Saint Austell* Market," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies so deposited.

In the Purchase or Redemption of the Land Tax, on the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid, stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

LXVI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

LXVII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled, and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may be lawfully made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hand of the Clerk of the Commissioners; and the Monies so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to the Parties.

LXVIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit, or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or fail to make a Title, the Money to be deposited.

LXIX. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases; (that is to say,) if the Owner of any such Lands, or of any Interest therein, on

on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him to the Satisfaction of the Commissioners, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the Commissioners can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Commissioners, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

Application of Monies so deposited.

LXX. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Commissioners, or any Part thereof, or any Interest in the same, the said Court of Chancery may, in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may direct Investment on Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

LXXI. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession to be deemed the Owner.

LXXII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such

Lands

Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Monies deposited.

LXXIII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants,

Payment of Purchase Money to be made previous to Entry.

LXXIV. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein.

Penalty on Commissioners entering upon Lands without Consent, before Payment of the Purchase Money.

LXXV. And be it enacted, That if the Commissioners or any of their Contractors shall wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Commissioners shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Commissioners or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful

Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to Commissioners Right.

LXXVI. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provisions herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Commissioners.

Notice of Intention to take Lands.

LXXVII. And be it enacted, That when the Commissioners shall require to purchase any of the Lands which by this Act they are authorized to purchase or take they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claim made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the Execution of the Powers of this Act.

Parties interested in Lands to state their Claims.

LXXVIII. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Commissioners in respect of his Interest therein, or if such Party and the Commissioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Powers of this Act, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver Possession of Lands.

LXXIX. And be it enacted, That where, according to the Provisions of this Act, the Commissioners are authorized to enter upon and take possession of any Lands required for the Purposes of this Act if the Owner or Occupier of any such Lands or any other Person refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to issue their Precept under the Hands of any Five of them to the Sheriff of the County of *Cornwall* to deliver Possession of the same to the Person appointed

in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession, and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Disputes as to Compensation to be settled by Jury.

LXXX. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise or if no Agreement can be come to between the Commissioners and the Owners of any Lands or of any Interest in any such Lands taken or required for the Purposes of this Act, or injuriously affected by the Execution of any of the Powers herein contained, (including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands, or to proceed in carrying into execution the Powers of this Act, or if any such Difference arise as to the Amount of the Damage occasioned to any Lands by the Exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation, according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury, in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

LXXXI. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds, the same shall be settled by Two Justices.

Notice by Commissioners of Intention to have Jury summoned.

LXXXII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Warrant for summoning a Jury, as herein-after provided, the Commissioners shall give Notice in Writing, under the Hand of their Clerk, to the Party with whom such Difference shall have arisen, of their Intention to cause such Jury to be summoned, and in such Notice the Commissioners shall state what Sum of Money they are willing to give to such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the Powers of this Act.

Requisition of Jury by Party claiming Compensation.

LXXXIII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for the Purposes of this Act, or injuriously affected by the Execution of any of the Powers herein contained,

shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners or their Clerk of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff of the County of *Cornwall*, to summon a Jury accordingly, in the Manner herein mentioned.

Warrant for summoning Jury to be addressed to the Sheriff.

LXXXIV. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Commissioners shall issue their Warrant to the Sheriff of the County of *Cornwall*, under the Hands of any Five of them, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in Dispute, such Application shall be made to some Coroner of the County of *Cornwall*, and if all the Coroners of such County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last-mentioned, Preference shall be given to one who shall have most recently served either of the said Offices.

Provisions applicable to Sheriff to apply to Coroner.

LXXXV. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County of *Cornwall*.

Summoning of Jurymen.

LXXXVI. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling of Jury.

LXXXVII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff, in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties con-

concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

LXXXVIII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Commissioners, under the Hand of their Clerk, to the other Party.

Sheriff to preside;

Witnesses to be summoned.

LXXXIX. And be it enacted, That the Sheriff shall preside in the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question, and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Oath of Jurymen.

XC. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury to be for Purchase of Lands, and for Damage, assessed separately.

XCI. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to the Lands of any such Party by the Execution of any of the Powers herein contained, whether it be for Damage sustained before the Time of the Inquiry or for future Damage either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid by way of Compensation for any such Damage as aforesaid shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Value of Interests previously purchased to be deducted.

XCII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been theretofore rightfully purchased by the Commissioners shall be first deducted.

Verdict and Judgment to be recorded.

XCIII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury, and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County of *Cornwall;* and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall

shall be good Evidence in all Courts and elsewhere, and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

XCIV. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Inquiry shall be borne by the Commissioners, but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Commissioners, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Commissioners: Provided always, that in every Case where by reason of Absence in Foreign Parts or of any Disability the Owner of the Lands shall have been prevented from treating with the Commissioners, all the Costs shall be borne by the Commissioners.

Particulars of the Costs.

XCV. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereof, and otherwise incident to such Inquiry; and with respect to any such Costs payable by the Commissioners, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money awarded by the Jury, to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

XCVI. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend, and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

XCVII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any

any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Special Jury to be summoned at the Request of either Party.

XCVIII. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and, before the Commissioners have issued their Warrant to the Sheriff, give Notice in Writing of such Desire, such Question shall be so tried, and for that Purpose the Commissioners shall, by their Warrant to the Sheriff, require him to nominate a Special Jury for such Trial, and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him for the Purpose of nominating a Special Jury, and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated and struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties, and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts.

Deficiency of Jurymen.

XCIX. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury, and such Trial shall be attended in all respects with the like Incidents and Consequences as hereinbefore provided in the Case of a Trial by Common Jury.

Other Inquiries before same Special Jury by Consent.

C. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Special Jurymen not to attend more than once.

CI. And be it enacted, That no Special Juryman shall without his Consent be summoned or required to attend any such Proceeding as aforesaid more than Once in any Year.

CII. And

Reference of Dispute as to Compensation to Justices.

CII. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in Presence of the Parties or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof, and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Commissioners empowered to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

CIII. And be it enacted, That if at any Time after the Commissioners shall have entered upon any Lands which under the Provisions of this Act they are authorized to purchase, and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which the Commissioners shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Commissioners shall remain in the undisturbed Possession of such Lands, provided within Six Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Commissioners, or in case the same shall be disputed then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Commissioners shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Commissioners thereon and the Time of the Payment of such Purchase Money or Compensation by the Commissioners, so far as such Mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Commissioners had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

CIV. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the Commissioners.

Commissioners to pay the Costs of Litigation

CV. And be it enacted, That, in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Commissioners shall

as to such Lands.

shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Commissioners not to be entitled to Minerals.

CVI. And with respect to any Mines of Coal, Iron, Stone, Lime, Slate, or other Minerals under any Land purchased by the Commissioners, be it enacted, That the Commissioners shall not be entitled to any such Mines or Minerals, unless the same shall have been expressly purchased; and all such Mines shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein, and be thereby conveyed.

Parties not to be required to sell Part of a House.

CVII. And be it enacted, That no Party shall at any Time be required to sell or convey to the Commissioners a Part only of any House or other Building or Manufactory, if such Party be willing to sell and convey the whole thereof.

Power to redeem Mortgages.

CVIII. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Commissioners may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right, or in Trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act; and in order thereto the Commissioners may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges (if any), and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct; or the Commissioners may give Notice in Writing under the Hand of their Clerk, to such Mortgagee, that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then, at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Commissioners to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Expences, if any such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct.

CIX. And

Deposit of Mortgage Money, on Refusal to accept Redemption.

CIX. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Commissioners, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Commissioners, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs (if any) due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due, and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee, in such Lands, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be paid when Mortgage exceeds Value of Lands.

CX. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Commissioners in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof, on the one Part, and the Commissioners on the other Part, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation, and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Commissioners, or as they shall direct.

Deposit of such Money when refused on Tender.

CXI. And be it enacted, That if upon such Payment or Tender as aforesaid being made any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a good Title thereto to the Satisfaction of the Commissioners, then they may pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the Commissioners, and they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to the Possession thereof; nevertheless all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation, other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of mortgaged Lands taken.

CXII. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land, on the one Part, and the Commissioners on the other Part, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation, and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid, and a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Deposit of such Money when refused on Tender.

CXIII. And be it enacted, That if upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined such Mortgagee shall fail to convey or release to the Commissioners, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners to pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Lands shall become absolutely vested in the Commissioners, as to all such Estate and Interest as were then vested in the Mortgagee or any Person in Trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof (as the Case may be), and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Release of Lands from Rent Charges.

CXIV. And with respect to any such Lands which shall be charged with any Rent Service, Rent Charge, or Chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the Commissioners and the Party entitled to any such Charge, respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of Part of Lands from Rent Charges.

CXV. And be it enacted, That if Part only of the Lands charged with any such Rent Service, Rent Charge, Chief or other Rent, Payment, or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands, on the one Part, and the Commissioners on the other Part, and if such Apportionment be not so settled by Agreement the same shall be settled by Two Justices; but if the remaining Part of the Land so jointly subject be a sufficient Security for such Charge, then, with the Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in case of Refusal to release.

CXVI. And be it enacted, That, upon Payment or Tender of the Compensation so agreed upon or determined, to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Commissioners a Release of such Charge in such Form as they may approve of, and if he fail so to do, or if he fail to adduce a good Title to such Charge to the Satisfaction of the Commissioners, they shall pay the Amount of such Compensation into the Bank of *England* in the Manner provided by this Act in the like Cases of Monies required to be deposited in such Bank, and thereupon the Rent Service, Rent Charge, Chief or other Rent, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on Lands not taken.

CXVII. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands for the whole or for the Remainder of the Charge, as the Case may be, as he had previously over the whole of the Lands subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Commissioners for the Purpose, any Five of them shall affix their Signatures to a Memorandum of such Release indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge, what Proportion of

such

such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforth to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Commissioners, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, and that the Persons signing the same were Commissioners, but not so as to exclude any other Evidence of the same Facts.

Where Part only of Lands under Lease taken, the Rent to be apportioned.

CXVIII. And with respect to any such Lands which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands, on the one Part, and the Commissioners on the other Part, and if such Apportionment be not so settled by Agreement between the Parties such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act, and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease, and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Land had been included in the Lease.

Tenants to be compensated.

CXIX. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Commissioners Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise, by reason of the Execution of any of the Powers of this Act.

Tenant at Will or from Year to Year to cede Possession on Six Months Notice.

CXX. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the Commissioners or their Clerk, or at any other Time when required after the Expiration of such Period, all such Persons shall respectively deliver up to the Commissioners, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice shall be given before or after the Purchase of such Lands by the Commissioners.

CXXI. Pro-

Compensation to such Tenants.

CXXI. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of Lands required from those not required, and the Amount of such Compensation shall be determined by Two Justices in case the Parties differ about the same.

On Refusal, Sheriff to give Possession.

CXXII. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the Commissioners, after making Payment or Tender of such Compensation as hereinbefore mentioned, but not otherwise, to issue their Precept, under the Hands of any Five of them, to the Sheriff of the County of *Cornwall*, to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same, and upon Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto, and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff, and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases.

CXXIII. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Commissioners may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if, after Demand made in Writing by the Commissioners, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Compulsory Purchase limited to Three Years.

CXXIV. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Lands not wanted to be sold.

CXXV. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and any Five of them may convey the same by Deed, in such Form as they may think fit, to the Purchasers thereof; and the Receipt of the Treasurer of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands, for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

CXXVI. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Power to purchase or hire Ground for a Cattle and Pig Market.

CXXVII. And be it enacted, That it shall be lawful for the Commissioners to purchase, or rent or take on Lease, from any Person who may be willing to sell or let or lease the same (in addition to the Lands authorized to be compulsorily taken by the Commissioners as aforesaid), any Land or Ground situate in the said Town of *Saint Austell*, not exceeding in the whole Two Acres, for the Purpose of holding thereon the Cattle and Pig Market for such Town and Parish, or all or any of the said Fairs, and that at such Price or Rent and upon such Terms as the Commissioners may think fit, and to hold the Cattle and Pig Market, or all or any of the said Fairs, on such Land or Ground accordingly; and it shall be lawful for all Parties who under the Provisions herein-before contained would be enabled to sell and convey Lands required for the Purposes of this Act to sell and convey or lease any such Land or Ground to the Commissioners, upon such Terms as may be agreed upon between such Parties and the Commissioners; and the Conveyance or Lease of any such Land or Ground may be made in such Form as the Commissioners may think fit, and the Covenants (if any) entered into by the Commissioners, or any Five of them, by any such Lease, shall be binding on the Commissioners for the Time being acting under this Act.

Power to take down the old Market House, and the Site to be thrown into the Highway.

CXXVIII. And be it enacted, That it shall be lawful for the Commissioners, at any Time after the passing of this Act, to take and pull down, or cause or contract to be taken and pulled down, the present Market House in the Town of *Saint Austell*, and either to sell the Materials thereof, or to use and apply the same or any Part thereof in, for, or towards the erecting and building of such new Market House as herein-after is mentioned; and immediately after the said present Market House shall have been pulled down, and the Materials thereof sold or removed, then and thenceforth the Site or Ground whereon the same now stands shall be thrown into and form Part of the public Street or Highway, and shall for ever thereafter be used and appropriated as and for the public Road or Highway for the Use of the Inhabitants of the said Town of *Saint Austell* and the Public in general.

Commissioners empowered to provide Market Places and to hold Markets.

CXXIX. And be it enacted, That it shall be lawful for the Commissioners to build and provide upon the Land to be purchased by them as herein-before mentioned, and for ever after to maintain and improve, as they shall think fit, One or more Market Place or Market Places, together with all Stalls, Standings, and other Conveniences and suitable Approaches for all Persons resorting thereto, and to hold open and public Markets thereon on *Friday* and *Saturday* in each Week, or on such other Day or Days as the Commissioners shall think more expedient, for the Sale of Cattle, Animals, and Provisions,

and all other marketable Commodities within the Town of *Saint Austell* aforesaid.

Power to hold Five Fairs annually.

CXXX. And be it enacted, That it shall be lawful for the Commissioners, after the passing of this Act, to hold Five Fairs or great Markets in every Year for the said Town of *Saint Austell* and the Neighbourhood, for the Sale of Cattle and Provisions, and all other Articles, Matters, and Things herein mentioned, such Fairs or great Markets to be held on the Days following; (that is to say,) on the *Thursday* next before *Easter*, the *Thursday* next before *Trinity Sunday*, the Day next after the *Tregony July* Fair, the First *Friday* after the Sixteenth Day of *October*, and the Thirtieth Day of *November* in each Year, unless any of those Days shall happen to fall on a *Sunday*, and in every such Case the Fair or great Market so happening to fall on a *Sunday* shall be held on the following *Monday*.

Markets and Fairs to be held as at present until Buildings completed.

CXXXI. Provided always, and be it enacted, That until the said Market Place and other Works shall be erected and completed it shall be lawful for the Commissioners to hold open and public Markets and Fairs on the before-mentioned Days, in the same Places in which such Markets and Fairs have been heretofore usually holden.

Unless Market opened within Five Years, Powers of the Act to cease.

CXXXII. Provided also, and be it enacted, That if the said Market Place shall not be erected and completed, so far as to be opened for the Purposes of this Act, within Five Years next after the passing hereof, then all the Powers and Authorities given and granted by this Act shall, from and after the Expiration of the said Five Years, wholly cease and determine, and be no longer in force.

Slaughter-houses.

CXXXIII. And be it enacted, That it shall be lawful for the Commissioners to set apart any Buildings for, or to erect on any Land to be purchased or acquired by them under this Act, such Slaughter-houses as they shall from Time to Time think sufficient for the slaughtering of Cattle, Beasts, and Swine for the Supply of the said Town and Parish of *Saint Austell* and its Neighbourhood, and for ever afterwards to maintain and improve the same as they shall think fit: Provided that nothing in this Act contained shall protect the Commissioners or any Person from an Indictment for any Nuisance, or from any other legal Proceeding in respect of any Slaughter-house.

Commissioners to be liable for Nuisances.

Weighing and Measuring Houses.

CXXXIV. And be it enacted, That it shall be lawful for the Commissioners to erect on Land to be purchased or acquired by them under this Act, or otherwise to provide, a public Weighing House or Place in or near the said Market Place or Market Places, for weighing and measuring any Meat, Provisions, or other Articles which shall be sold by Weight or Measure in the said Markets or Fairs, and to maintain and improve the same as they shall think fit.

CXXXV. And

Standard Weights and Measures to be kept.

CXXXV. And be it enacted, That the Commissioners shall keep in every such Weighing House or Place proper Weights, Scales, and Measures, according to the Standard Weights and Measures in the Exchequer at *Westminster*, for weighing or measuring all such Provisions or Articles as aforesaid, and shall appoint a proper Person to attend the same at all Times during which the Markets and Fairs shall be holden.

Places for weighing Carts and Carriages.

CXXXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase or provide proper Buildings or Places, in such convenient Situation within the said Town of *Saint Austell* as the Commissioners shall think proper, for weighing Waggons, Carts, or Carriages laden with Goods, and to maintain the same, and to provide proper Machines for such Purpose, and to appoint a Person for the weighing of such Carts or Carriages.

Sum to be laid out before Markets opened.

CXXXVII. And whereas the estimated Expence of completing the said new Market Place amounts to Six thousand Pounds or thereabouts, be it enacted, That no new Market under this Act shall be opened for public Use until the Justices assembled at some General Quarter Session of the Peace for the County of *Cornwall* shall have reported that reasonable Accommodation has been provided for public Use in such Market.

Certificate thereof.

CXXXVIII. And be it enacted, That a Certificate, under the Hand of any Chairman of the Quarter Sessions of the Peace for the County of *Cornwall* at which such Report shall be made, shall be conclusive Evidence of the same, and such Chairman shall sign such Certificate on the Request of the Commissioners.

Notice of opening.

CXXXIX. And be it enacted, That before the said new Market Place shall be opened for public Use the Commissioners shall give Ten Days Notice of the Time at which the same will be opened, and every such Notice shall be given by the Publication thereof in some Newspaper published and circulating within the County of *Cornwall*, and by printed Handbills or Advertisements posted and circulated within the said Town and Parish of *Saint Austell*.

Sale elsewhere than in the Markets prohibited.

CXL. And be it enacted, That after the said intended Market House shall be opened for public Use no Person shall sell or expose to Sale in any Place within the said Town of *Saint Austell*, except in the Market Places to be provided or acquired under this Act, (including the Cattle and Pig Market, respecting which special Provision is herein-before made,) or his own Dwelling House or Shop, any Provisions or other Goods or Commodities mentioned in the Schedule (F.) to this Act annexed; and any Person who shall after the opening of such new Market House sell or expose to Sale any of the Articles aforesaid in any Place within the said Town of *Saint Austell*, except in the Market Places to be provided or acquired under this Act (including the said Cattle and Pig Market), or his own Dwelling House or Shop, shall for every Offence be liable to a Penalty not exceeding Forty Shillings.

CXLI. And

When sufficient Slaughter-houses provided, Notice to be given.

CXLI. And be it enacted, That after sufficient Slaughter-houses for the Accommodation of the said Town of *Saint Austell* shall been provided by the Commissioners, and the same shall be ready for public Use, the Commissioners shall give Notice that such Slaughter-houses are ready for public Use; and every such Notice shall be published in some Newspaper published and circulated within the County of *Cornwall*, and also by printed Handbills posted and circulated within the said Town and Parish of *Saint Austell*.

Penalty for slaughtering elsewhere after Notice.

CXLII. And be it enacted, That after the Expiration of Twenty-one Days after the Publication and posting of such Notice in manner aforesaid, no Person shall slaughter or dress any Cattle, Beast, Sheep, or Swine for Sale in any Place within the said Town of *Saint Austell* other than the said Slaughter-houses; and if any Person shall after such Time as aforesaid, and so long as the Commissioners shall provide sufficient Slaughter-houses for the Accommodation of the said Town of *Saint Austell*, slaughter or dress for Sale any such Animal as aforesaid, in any Place within the said Town of *Saint Austell* other than one of such Slaughter-houses, he shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Justices to decide whether sufficient Slaughter-houses.

CXLIII. And be it enacted, That if any Question shall arise as to whether a sufficient Number of Slaughter-houses had been or continued to be provided by the Commissioners, such Question shall be determined by the Justices before whom any such Penalty as last aforesaid shall be sued for.

Tolls to be taken for the Markets and Fairs.

CXLIV. And be it enacted, That after the said intended Market House shall be opened for public Use it shall be lawful for the Commissioners from Time to Time to demand and take from any Person occupying or using any Stall, Shed, or Stand in the Market Places to be provided or acquired under this Act (including the Cattle and Pig Market, respecting which special Provision is herein-before made), or bringing therein any Cattle, Animal, Provisions, Articles, or Things specified in the First Part of the Schedule (F.) to this Act annexed, such Stallage, Rents, and Tolls as the Commissioners or their Lessee shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the First Part of such Schedule; and also from Time to Time to demand and take from any Person occupying or using any Stall, Shed, or Stand in the Fairs to be held under this Act, or any of them, or bringing therein respectively any Cattle, Animal, Provisions, Articles, or Things specified in the Second Part of the said Schedule (F.) to this Act annexed, such Stallage, Rents, and Tolls as the Commissioners or their Lessee shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the Second Part of such Schedule.

Tolls for the Slaughter-houses.

CXLV. And be it enacted, That after such Slaughter-houses as aforesaid shall be opened for public Use it shall be lawful for the Commissioners to demand and take from any Person slaughtering Cattle, Sheep, Beasts, and Swine within any such Slaughter-house, such Tolls in respect thereof as they may think proper, not exceeding

the several Tolls or Sums of Money specified in the Schedule (G.) to this Act annexed.

Tolls for weighing and measuring.

CXLVI. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing Houses or Places for weighing or measuring any Articles sold in the said Markets or Fairs by Weight or Measure from Time to Time to demand and take the several Tolls specified in that Behalf in the Schedule (H.) to this Act annexed.

Tolls for weighing Carts.

CXLVII. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Waggons, Carts, or Carriages to demand and receive from the Person requiring the same to be weighed such Tolls as the Commissioners may appoint, not exceeding the Tolls specified in respect of the same in the Schedule (H.) annexed to this Act; and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

List of Tolls to be set up.

CXLVIII. And be it enacted, That the Commissioners or their Lessee shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed and continued on some conspicuous Place in the Market Places made under the Provisions of this Act, a List of the several Stallages, Rents, and Tolls which shall from Time to Time be payable in respect of the said Markets; and no Stallage, Rent, or Toll shall be payable in respect of any Market during such Time as such List shall not continue to be affixed thereon, or for any Matter or Thing not specified in the said List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Stallages, Rents, and Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed, or in the State required by this Act.

Tolls to be levied by Distress.

CXLIX. And be it enacted, That the several Stallages or Rents and Tolls to be taken under the Powers of this Act shall be paid from Time to Time, on Demand, to the Commissioners, or their Lessee or Collector, or other Person authorized by them to take the same; and if any Person liable to the Payment of any Stallage, Rent, or Toll shall not pay the same when demanded, or shall evade the Payment thereof, it shall be lawful for the Commissioners, or their Lessee or Collector, or the Person authorized to take the same, to levy the same by Distress of all or any of the Provisions or other Goods in respect of which such Stallage, Rent, or Toll was payable, or of any other Provisions or Goods belonging to such Person, or under his Charge, in the Market or Fair, and to sell the said Provisions or Goods forthwith, and out of the Proceeds of such Sale to pay the Stallages, Rents, or Tolls so due, rendering the Overplus, on Demand, after deducting the Expences of such Sale, to the Person whose Goods shall have been so distrained.

CL. And

Dispute as to Tolls to be settled by a Justice.

CL. And be it enacted, That in case any Dispute shall arise concerning any such Stallage, Rent, or Toll, such Dispute shall be determined by a Justice, and such Justice shall summon the Parties to appear before him, and hear and determine the Matter of every such Complaint upon Oath, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and such Justice shall issue his Warrant accordingly.

Penalty for obstructing Collector or Market Keeper.

CLI. And be it enacted, That if any Person shall assault or obstruct any Collector of the said Tolls, Rents, or Stallage, or other Person authorized to receive the same or any of them, or any Person employed to superintend the said Market Places or any of them, or to keep Order therein, or in the said Fairs, whilst in the Exercise of his Duty, every Person offending in any of such Cases shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty for refusing to weigh Articles sold in the Market or Fairs.

CLII. And be it enacted, That every Person selling any Meat or other Articles or Things in any Market Place to be made under this Act, or in the said Fairs, by Weight or Measure, shall weigh or measure the same by the Weights, Measures, or Scales to be provided in pursuance of this Act, upon being required so to do by the Buyer of the same; and if any Seller of any such Meat, Articles, or Things shall refuse or neglect to weigh or measure the same in manner aforesaid, when so required, he shall be liable to any Penalty not exceeding the Sum of Forty Shillings.

Waggons to be weighed at the Machines.

CLIII. And be it enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Goods brought into the said Town of *Saint Austell* to be sold therein shall, at the Request of the Buyer or Seller of any such Goods, or the Person on whose Behalf the same shall be consigned, or their respective Agents, take such Waggon, Cart, or Carriage, with or without the Loading thereof, to be weighed at One of the Machines so to be erected and fixed as aforesaid, if any such there shall be; and if any such Waggon, Cart, or Carriage shall, for the Purposes aforesaid, be required to go a greater Distance from the regular Course of the Road by which it would be otherwise necessary to pass in conveying the Goods laden in the same than Half a Mile, including the going to and returning from any such Machine, the Owner of any such Waggon, Cart, or Carriage shall be paid Two-pence for every Horse which shall be used in drawing the same, and a like Sum for every additional Half Mile that any such Waggon, Cart, or Carriage shall be taken out of the regular Road for the Purpose aforesaid; and all such Charges shall be paid by the Person requiring the same to be weighed as aforesaid, before the Driver of such Waggon, Cart, or Carriage shall be obliged to go out of his Way for the Purpose of having the same weighed.

Penalty for refusing to weigh Waggons, &c.

CLIV. And be it enacted, That if the Person having the Care of any such Waggon, Cart, or other Carriage shall not, upon being so requested as aforesaid, and being paid such Charges as aforesaid, if demanded, take the same to such Weighing Machine as is hereinbefore

before directed, or shall refuse or neglect to assist in the weighing of the same, he shall forfeit, to the Person requiring such Waggon, Cart, or Carriage to be weighed, any Sum of Money by way of Penalty not exceeding Twenty Shillings; and the Party entitled to such Penalty shall be deemed a competent Witness for the Proof of such Offence.

Penalties on Drivers committing Frauds in weighing Waggons, &c.

CLV. And be it enacted, That every Owner or Driver of any such Waggon, Cart, or Carriage weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any of the following Offences, shall be liable to a Penalty not exceeding Forty Shillings for each Offence; (that is to say,)

Every Owner or Driver who shall, at or before the Time of weighing any such Waggon, Cart, or Carriage, place or knowingly have any Matter or Thing in or about the same other than the proper Loading thereof:

Every such Owner or Driver who shall alter any Ticket denoting the Weight of any such Waggon, Cart, or Carriage, or of the Loading of the same:

Every such Owner or Driver who shall make or use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or Carriage, or the Loading thereof:

Every such Owner or Driver who, after the weighing of any such Waggon, Cart, or Carriage, with the Loading of the same, shall remove any Part of such Loading, and afterwards dispose of or attempt to dispose of the Residue of such Loading, as being the full Loading denoted by such Ticket:

Every Owner or Driver of any such Waggon, Cart, or Carriage, who shall, after the same and the Loading thereof have been so weighed, change the Wheels thereof, or place thereon lighter Wheels, or make any Alteration, or do any other Act to such Waggon, Cart, or Carriage, before the same shall be brought back to the Machine to be again weighed without the Loading thereof:

Every such Owner or Driver who, when any such Waggon, Cart, or Carriage shall have been weighed, with the Loading thereof, at any such Machine as aforesaid, shall not bring back the same without Alteration, to be again weighed at the same Machine:

Every such Owner or Driver who shall be guilty of any other fraudulent Contrivance touching the Weight of any such Waggon, Cart, or other Carriage, or of the Loading thereof.

Penalty on Purchaser committing Fraud in weighing.

CLVI. And be it enacted, That if the Purchaser of any Goods or Merchandize conveyed in any Waggon, Cart, or Carriage to or within the said Town of *Saint Austell* shall, after such Waggon, Cart, or Carriage, with the Loading thereof, shall have been weighed at any Machine within the said Town of *Saint Austell* provided in pursuance of this Act, and before the same shall be brought back to be re-weighed without the Loading thereof, change the Wheels thereof, and put on heavier Wheels, or make any Alteration in such Waggon, Cart, or Carriage, whereby the same may become heavier, every Person

so offending shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalties for Frauds committed by the Machine Keeper.

CLVII. And be it enacted, That the Person for the Time being appointed to keep any such Weighing Machine shall forfeit any Sum not exceeding Five Pounds in any of the following Cases; (that is to say,)

If he shall wilfully neglect, on Application, duly to weigh any Waggon, Cart, or Carriage, with or without Loading, as the Case may be, that shall be brought to the Machine kept by him to be weighed:

If he shall not fairly weigh every such Waggon, Cart, or Carriage, with or without Loading, as the Case may be:

If he shall not deliver to the Purchaser of any such Loading, or any Person interested therein, on Application, a Ticket or Account containing the true Weight of such Loading:

If he shall give to the Driver of any such Waggon, Cart, or Carriage a false Ticket or Account of the Weight of such Waggon, Cart, or Carriage, or the Loading thereof:

If he shall weigh any Waggon, Cart, or Carriage, knowing that any thing had been added to the Loading thereof, so as to increase the Weight of the same, or that the Wheels thereof had been changed between the Time of the same being weighed with its Loading and the Time of its coming back to be again weighed without its Loading, and shall not give immediate Notice thereof to the Person interested therein:

If he shall knowingly assist in or connive at any Fraud to be committed or attempted concerning the weighing of any such Waggon, Cart, or Carriage, or the Loading thereof, or shall make or connive at making any false Representation of the Weight of the same respectively.

Penalties on other Parties committing Fraud as to weighing.

CLVIII. And be it enacted, That if any Person shall knowingly act or assist in the committing of any Fraud respecting the weighing or Weight of any such Waggon, Cart, or Carriage, or the Loading thereof, which shall be weighed or brought to be weighed at any such Machine, or which shall be alleged to have been weighed at any such Machine, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Power to lease the Markets, &c. for Three Years.

CLIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to demise and let the said Market Places, or any of them, and the said Slaughter-houses, Weighing Houses or Places and Machines, or any of them, or the Stallages, Rents, or Tolls to be taken under this Act, or any of them, for any Period not exceeding Three Years, upon such Terms as shall be agreed upon between the Commissioners and the Person to whom such Lease shall be made.

Power to lease Standings in the Markets.

CLX. And be it enacted, That it shall be lawful for the Commissioners to let any of the Stalls, Standing Places, Benches, or other Conveniences in the said Market Places, to any Person for any Term not exceeding Three Years.

Power to assign Lease of Standings.

CLXI. And be it enacted, That it shall be lawful for the Lessee of any such Stall, Standing Place, or other Convenience, his Executors, Administrators, and Assigns, with the Consent of the Commissioners, to assign the same for the Residue of his Term.

Regulation of Markets and Fairs.

CLXII. And be it enacted, That for the better Regulation of the said Markets and Fairs it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit, for all or any of the following Purposes; (that is to say,)

For directing the Manner of occupying and using the said Market Places, Slaughter-houses, and Weighing Machines, and carrying on the Business of the said Markets and Fairs, and regulating the Conduct of the Persons resorting to such Markets and Fairs:

For providing for the lighting and cleansing of the Market Places:

For regulating the Conduct of the Officers and Servants of the Commissioners, and providing for the due Execution of the Powers of this Act:

For regulating the Carriers in the Markets and Fairs, and fixing the Rates for carrying all Articles carried therefrom:

For regulating the Use of Weights and Measures in the Markets and Fairs according to the legal Standard, and providing for the Sale of all Provisions and other Things therein by such Weights and Measures, and for preventing the Use of false or defective Weights and Measures:

For preventing unwholesome Provisions being sold or exposed for Sale in the Markets or Fairs:

For preventing Horses and Carriages travelling or going through the Market Places and Fairs, or remaining there, or other Nuisances or Obstructions therein or in the Approaches to the same:

And it shall be lawful for the Commissioners, from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England*, and be reduced to Writing, and be signed by Five of the Commissioners, and if affecting other Persons than the Officers and Servants of the Commissioners, be printed and published as herein provided.

For enforcing Bye Laws.

CLXIII. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties for enforcing the better Observance thereof, as they shall think fit, not exceeding Ten Pounds for any One Offence: Provided always, that such Bye Laws be so framed as to allow the Justices, before whom any Penalty imposed thereby may be sought to be recovered, to order the Whole or Part only of such Penalty to be paid.

Bye Laws to be confirmed.

CLXIV. And be it enacted, That no Bye Law which shall be made by the Commissioners under the Authority of this Act (except such as may relate solely to their Officers or Servants) shall be valid or binding, unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General

or Quarter Sessions of the Peace of the County of *Cornwall*, and it shall be incumbent on such Justices, on the Request of the Commissioners or their Clerk, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow or disallow the same as to them may seem meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in some Newspaper published and circulating in the County of *Cornwall* One Month at least before the hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners or their Clerk Ten Days before the hearing of such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

Notice of Application for Confirmation.

CLXV. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the Office of the Clerk to the Commissioners, and it shall be lawful for all Persons at all seasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Clerk to the Commissioners with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

A Copy of the proposed Bye Laws to be open for Inspection One Month previous to Application.

CLXVI. And be it enacted, That any Person who shall, in any Market Place to be made under the Authority of this Act, or in any of the said Fairs, use or have in his Possession any illegal or false Weight or Measure, shall forfeit a Sum not exceeding Forty Shillings for every such Offence, and it shall be lawful for any Inspector of Weights and Measures to be appointed by the Commissioners to seize and destroy such illegal Weights or Measures.

Penalty for having false Weights, &c.

CLXVII. And be it enacted, That if any Person shall sell or expose or offer for Sale any unwholesome Meat or Provisions in any Market Place made in pursuance of this Act, or in any of the said Fairs, he shall forfeit any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Inspector of Provisions in such Market appointed by the Commissioners to seize and destroy such unwholesome Meat or Provisions.

Penalty for exposing unwholesome Meat.

CLXVIII. And be it enacted, That any Person who shall spoil, deface, or injure any Part of any such Market Place, or the Buildings, Fences, Stalls, or Standings thereof, or shall in any such Market Place, or in any of the said Fairs, cause any Obstructions, or commit any Damage or Injury, shall forfeit for every such Offence any Sum not exceeding Five Pounds, and shall also pay such Sum of Money as the Justices before whom the Conviction for such Penalty shall take place shall think a reasonable Satisfaction for the Injury done by such Person.

Penalty and Damages for Nuisances in the Market Place or Fairs.

CLXIX. And be it enacted, That out of the Monies which shall be received by virtue of this Act the Commissioners shall, in the first place, pay all the Costs, Charges, and Expences relative to the procuring

Application of Tolls and other Monies.

curing and passing of this Act, and the Remainder thereof shall be applied in the Purchase of such Lands as shall be necessary for the Purposes aforesaid, and in erecting, building, and completing the said new Market House, Market Place, and other Buildings and Conveniences, and otherwise in executing the several Purposes of this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall be borrowed upon any Mortgage granted by virtue of this Act.

Application of surplus Monies.

CLXX. And whereas the Stallage, Rents, and Tolls arising from the Markets and Fairs heretofore holden within the said Town of *Saint Austell* have been applied and appropriated in aid of the Rates of the said Parish of *Saint Austell;* be it therefore enacted, That if out of the Monies which shall be received by virtue of this Act there shall remain any Surplus, after answering the Purposes herein-before mentioned, the same shall be applied and appropriated in aid of the Rates of the said Parish.

Provision for Damages not otherwise provided for.

CLXXI. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by One or more Justices; and when by this Act any Damages or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justice or Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

For ascertaining Compensation.

CLXXII. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Justices to examine Parties and Witnesses.

CLXXIII. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Cause to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

CLXXIV. And

Distress against the Commissioners.

CLXXIV. And with respect to any Sum of Money, under the Provisions of this Act, adjudged by any Justice to be paid by the Commissioners, for which no other Mode of proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Seven Days after Demand made thereof in Writing to the Clerk to the Commissioners, stating the Order of the Justice for the Payment of such Money, the Amount may be recovered by Distress; and the Justice by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly; and if sufficient Goods or Effects vested in the Commissioners by virtue of this Act cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Commissioners, and the Justice aforesaid, or any other Justice, on Application, shall issue his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Distress against the Treasurer.

Reimbursement of Treasurer.

CLXXV. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid he may retain the Amount so paid by him, and all the Costs and Expences occasioned thereby, out of any Money coming into his Custody or Control by virtue of this Act, or he may sue for the same against the Commissioners by Process of Law.

Publication of Penalties.

CLXXVI. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Commissioners affecting other Persons than the Officers or Servants of the Commissioners, be it enacted, That from Time to Time the Commissioners shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Place in the said Market; and such Particulars shall be renewed as often as the same or any Part thereof are or is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein required.

Defacing Boards used for such Publication.

CLXXVII. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act, for the Purpose of publishing any Bye Law or Penalty, or any Stallage, Rent, or Toll to be taken in pursuance of this Act, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board, and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to be summarily recovered before one Justice or more.

CLXXVIII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before Two or more Justices, and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same or a Copy thereof with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before him or them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties may be levied by Distress.

CLXXIX. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One or more Justices shall issue a Warrant of Distress accordingly.

Imprisonment in default of Distress.

CLXXX. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture, and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security, but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture, and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied.

Application of Penalties.

CLXXXI. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the

Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Penalties to be sued for within Six Months.

CLXXXII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CLXXXIII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CLXXXIV. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CLXXXV. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (I.) to this Act annexed.

Informalities.

CLXXXVI. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress, how to be levied.

CLXXXVII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by

by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not to be unlawful for Want of Form.

CLXXXVIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions, on giving Security.

CLXXXIX. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice, under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXC. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Costs.

Land Tax and Poor's Rate to be made good.

CXCI. And for the Purpose of providing against Deficiencies in the Assessment for Land Tax or Poor's Rate occasioned by the Exercise of the Powers of this Act, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax or liable to be assessed to the Poor's Rate, the Commissioners shall from Time to Time, until the said Market shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good, out of the Monies received by virtue of this Act, the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within the said Parish of *Saint Austell* by reason of such Lands having been taken or used for the Purposes of this

this Act, and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax they may do so in accordance with the Powers in that Behalf given by the Act for the Redemption of the Land Tax.

Inhabitants of Saint Austell competent Witnesses.

CXCII. And be it enacted, That in all Actions, Prosecutions, Informations, and other Proceedings relating to this Act no Person shall be disqualified from being a competent Witness by reason of his being an Inhabitant of *Saint Austell* aforesaid.

Limits of the Town of Saint Austell.

CXCIII. And be it enacted, That the Limits of the Town of *Saint Austell* shall for the Purposes of this Act be deemed to be Eight hundred Yards in every Direction from the Parish Church of *Saint Austell*.

Interpretation Clause.

CXCIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subjects or Contexts repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Commissioners" shall mean the Persons for the Time being acting as Commissioners in the Execution of the Powers of this Act:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Justices" shall mean Justices of the Peace for the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter.

Public Act.

CXCV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage.

(Mortgage, No. .)

By virtue of an Act passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], we being Five of the Commissioners for putting in execution the said Act, in consideration of the Sum of advanced and paid by to the Treasurer appointed in pursuance of the said Act, do grant and assign unto the said Executors, Administrators, and Assigns, such Proportion of the Stallage, Rents, and Tolls arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the Stallage, Rents, and Tolls arising by virtue of the said Act, to be had and holden from henceforth until the said Sum of with Interest at per Centum per Annum for the same, to be paid half-yearly, shall be repaid and satisfied. In witness whereof we have hereunto set our respective Hands and Seals this Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Transfer of Mortgage.

I *A. B.* of [*or C. D.* of Executor or Administrator of *A. B.*, late of *or otherwise, as the Case may happen to be*], in consideration of the Sum of to me paid by *E. F.* of do hereby assign and transfer unto the said *E. F.*, his Executors, Administrators, and Assigns, a certain Security bearing Date the Day of in the Year of our Lord under the Hands and Seals of Five of the Commissioners for putting into execution an Act of Parliament passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], and the Principal Sum of thereby

thereby secured, and all Interest now due and hereafter to grow due thereon, with all my Right and Title to the same. In witness whereof I have hereunto set my Hand and Seal this Day of in the Year of our Lord .

SCHEDULE (C.)

Lands to be taken.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
1	King's Arms Public-house, Yard, and Premises.	Sir Joseph Sawle Graves Sawle, Baronet, and Charles Brune Graves Sawle, Esquire.	- - -	Thomas Drew and John Grose.
2	Garden, Stable, and Loft	Elias Martyn - -	- - -	Elias Martyn.
3	Cottage - - -	Elias Martyn - -	- - -	Grace Tregilgas.
4	Part of Dwelling House	Richard Veale - -	- - -	Richard Veale.
5	Malthouse - -	Philippa Lovering -	- - -	Philippa Lovering.
6	Dwelling House and Curtilage.	Joseph Martyn - -	- - -	Joseph Robins.
7	Shop, and Club Room over.	William West - -	- - -	Richard Williams and David Strickland.
8	An open Shed, Part of Queen's Head Premises.	William West - -	- - -	David Strickland.
9	Dwelling House and Curtilage.	Sir Joseph Sawle Graves Sawle, Baronet, and Charles Brune Graves Sawle, Esquire.	Sampson Roberts	Sampson Roberts and William Rowse.
10	Stable - - -	Elias Martyn - -	- - -	John Borrows.

SCHEDULE (D.)

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Commissioners of the Saint Austell Market," (*or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same)], pursuant to an Act passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], by "The Commissioners of the Saint Austell Market," acting by virtue of the said Act, do hereby convey to the Commissioners for the Time being of the said Market all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances

purtenances thereto belonging, and all such Estate, Right, Title, and and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the said Premises to the Commissioners for the Time being of the said Market for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .

SCHEDULE (E.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as hereinafter mentioned, by "The Commissioners of the Saint Austell Market" for the Time being, acting by virtue of an Act passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], do hereby convey to the said Commissioners for the Time being all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Commissioners for the Time being for ever, according to the true Intent and Meaning of the said Act, they the said Commissioners for the Time being yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*,] Portions henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal this Day of in the Year of our Lord .

FIRST PART OF SCHEDULE (F.)

Tolls payable on Market Days.

For every Bulk, Block, Tressel, Shamble, or Bench used by any Person for exposing to sale Flesh Meat, Cheese, Bacon, pickled Pork, or any other Victuals (except as herein otherwise specifically charged):

For every superficial Foot in Measure on the Surface thereof, One Penny Halfpenny, and for every Three Feet superficial of the Remainder of each Station or Standing Place, One Penny Halfpenny in addition.

	£	s.	d.
For the Carcase of every Hog or Pork Pig sold wholesale	0	0	3

Fish.

	£	s.	d.
For the Exposure to Sale of Fish, as follows; (that is to say,)			
For every Cart of Fish - - - -	0	0	6
For every Horse, Mule, or Ass (or other Beast of Burden) Load of Fish - - - -	0	0	4
For every Pannier or Basket of Fish - - -	0	0	2

Potatoes, Turnips, Poultry, Butter, Eggs, and Fruit.

For the Exposure to Sale of Potatoes, Turnips, Poultry, Butter, Eggs, Fruit, and other Things, as follows; (that is to say,)			
For every Two hundred and forty Pounds Weight of Potatoes or Turnips, and so in proportion for any less Quantity - - - - -	0	0	3
For every Cart of Apples, Cherries, or other Fruit -	0	0	6
For every Bunch or Bundle of, and for every Hand Basket, Hamper, or other Thing containing Poultry, Butter, Eggs, or other Articles 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 - - - - - -	0	0	$1\frac{1}{2}$

Fruit and Vegetables.

For every Bunch or Bundle of, and for every Hand Basket, Hamper, or other Thing containing Fruit or Vegetables, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Seven Inches in Depth -	0	0	1

Merchandize.

For every Bunch or Bundle of, and for every Hand Basket, Hamper, or other Thing containing any manufactured Goods, Wares, or Merchandize, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Seven Inches in Depth - - -	0	0	3
And if any of the before-mentioned Bunches or Bundles, Hand Baskets, Hampers, or other Things, shall exceed in Length, Breadth, and Depth the Number of Inches before respectively limited, for every additional Inch in Length, Breadth, and Depth thereof - - - - -	0	0	$0\frac{1}{4}$

Trees.

	£	s.	d.
For every superficial Foot of Ground used or occupied for exposing to Sale Apple Trees, Shrubs, or other Trees or Plants - - - -	0	0	1
For every superficial Foot of Ground used or occupied for exposing to Sale any manufactured Goods, Wares, or Merchandize, or any Article or Thing not herein-before particularly mentioned - -	0	0	2

The Corn Market.

For the Exposure to Sale of Corn, Flour, and Seeds, as follows; (that is to say,)			
For every Imperial Bushel of Wheat - -	0	0	2
And so in proportion for a less Quantity.			
For every Imperial Bushel of Barley - -	0	0	1½
And so in proportion for a less Quantity.			
For every Imperial Bushel of Oats - - -	0	0	1
And so in proportion for a less Quantity.			
For every Sack of Flour, and for every Sack of Clover or Trefoil Seeds - - - -	0	0	6
And so in proportion for a less Quantity.			
For every Sack of Turnip Seeds - - -	0	0	4
And so in proportion for a less Quantity.			
For every Imperial Bushel of Eaver or other Seeds -	0	0	1½
And so in proportion for a less Quantity.			
For the Exposure to Sale of Hay and Straw:			
For every Waggon Load of Hay, Reed, Straw, or Corn in the Straw - - - -	0	0	6
For every Cart Load of Hay, Reed, Straw, or Corn in the Straw - - - - -	0	0	3
For every Hundred Weight of Hay, Reed, or Straw	0	0	1
For the Exposure to Sale of Wool or Yarn:			
For every Pack or Pad of Wool of Two hundred Pounds Weight - - - - -	0	1	0
And so in proportion for a less Quantity.			
For every Pad of Yarn per Score, of Twenty Pounds Weight to the Score - - - -	0	0	4
And so in proportion for a less Quantity.			

For every Waggon or Cart wherein any manufactured Articles, Commodities, or Things may be exposed for Sale, for each Day - - -	0	2	0
For every Waggon or Van containing any Exhibition, Show, or Entertainment, for each Day -	0	3	0

And

	£	s.	d.
And for every Booth or Stage attached thereto, for every superficial Yard of Ground occupied thereby, for each Day - - - - - -	0	0	3
For every Cart containing a Peep Show, or other small Exhibition, for each Day - - - -	0	2	0
For every Swing, Round-about, or similar Entertainment, for each Day - - - - -	0	2	0

The several Tolls, Rents, and Stallages before mentioned and specified to be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Sitting Bench, Compartment, or Space of Ground, are to be so payable and paid for each and every Market Day, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, in case he or she shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day.

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodities, Article, or Thing exposed or offered for Sale, not before specifically charged or enumerated, or falling within any of the preceding Heads; (that is to say,)

	£	s.	d.
Not containing more than One Imperial Bushel -	0	0	2
And for every additional Half Bushel - -	0	0	1

The Cattle Market.

For the Exposure to Sale of Horses or other Beasts, Cattle or Pigs, as follows; (that is to say,)

	£	s.	d.
For every Ox, Cow, Steer, or Heifer - -	0	0	2
For every Calf - - - - -	0	0	1
For every Horse, Mare, or Gelding - - -	0	0	6
For every Colt or Filly - - - -	0	0	3
For every Mule or Ass - - - - -	0	0	2
For every Score of Sheep or Lambs - -	0	2	6
And so in proportion for a less Number than a Score.			
For every Score of Pigs - - - -	0	1	8
And so in proportion for a less Number.			
For every Stallion exposed to View - - -	0	1	0
For every Bull exposed to View or Sale - -	0	0	6

SECOND

SECOND PART OF SCHEDULE (F.)

Tolls payable on Fair Days.

	£	s.	d.
For every Bull exposed to View or Sale - -	0	0	6
For every Ox, Cow, Steer, or Heifer sold - -	0	0	2
For every Calf sold - - - -	0	0	1
For every Horse, Mare, or Gelding sold - -	0	0	6
For every Colt or Filly sold - - -	0	0	3
For every Mule or Ass sold - - - -	0	0	2
For every Score of Sheep or Lambs exposed to Sale -	0	2	6
And so in proportion for a less Number than a Score.			
For every Pig, and for every Beast or Cattle not herein-before specified, sold - - - -	0	0	1

But if any such Bull, Ox, Cow, Steer, Heifer, Calf, Horse, Mare, Gelding, Colt, Filly, Mule, Ass, Sheep, or Lamb shall not be removed after a Sale thereof, within the Time appointed by the Commissioners for the Removal thereof after Sale, then another Toll, at the Rates aforesaid, shall become due for such Cattle, Sheep, Lambs, or other Beasts.

For the Exposure to Sale of Seeds as follows; (that is to say,)

	£	s.	d.
For every Sack of Trefoil or Clover Seeds - -	0	0	6
And so proportion for any less Quantity.			
For every Sack of Turnip Seeds - - -	0	0	4
And so in proportion for any less Quantity.			
For every Imperial Bushel of Eaver or other Seeds -	0	0	1½
And so in proportion for any less Quantity.			
For every Stall, Tressel, Sanding Place, or Station used by any Person for exposing to Sale any Gingerbread, Sweetmeats, Fruit, Glass, Earthenware, or other Goods, Article, or Thing whatsoever (except as herein-after otherwise specifically charged) - - - - -	0	2	6

For the Exposure to Sale of Fruit and other Things as follows; (that is to say,)

For every Cart of Apples, Cherries, or other Fruit -	0	0	6
For every Bunch or Bundle of, and for every Hand Basket, Hamper, or other Thing containing Fruit or Vegetables, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Seven Inches in Depth - - - - - -	0	0	1
For every Bunch or Bundle of, and for every Hand Basket, Hamper, or other Thing containing any manufactured Goods, Wares, or Merchandize, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Seven Inches in Depth - - -	0	0	3

	£	s.	d.
And if any of the before-mentioned Bunches or Bundles, Hand Baskets, Hampers, or other Things shall exceed in Length, Breadth, and Depth the Number of Inches before respectively limited, for every additional Inch in Length, Breadth, and Depth thereof - - - - -	0	0	0¼
For every Waggon or Cart wherein any manufactured Articles, Commodities, or Things may be exposed for Sale - - - - - -	0	2	0
For every Waggon or Van containing any Exhibition, Show, or Entertainment - - - -	0	3	0
And for every Booth or Stage attached thereto, for every superficial Yard of Ground occupied thereby	0	0	3
For every Cart containing a Peep Show or other small Exhibition - - - - -	0	2	0
For every Swing, Round-about, or similar Entertainment - - - - -	0	2	0

SCHEDULE (G.)

Tolls payable for Slaughter-houses.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer -	0	1	0
For every Calf - - - - - -	0	0	6
For every Sheep or Lamb - - - -	0	0	3
For every Hog or Pig - - - - -	0	0	4
For any other Beast - - - - -	0	1	0

SCHEDULE (H.)

Tolls for weighing and measuring.

For weighing the Carcase of a Bullock - - -	0	0	4
For weighing the Carcase of a Calf, Sheep, Lamb, or Pig	0	0	2
For weighing any other Article or Thing, for every Twenty-eight Pounds and under - - - -	0	0	0½
For measuring every Quantity of Goods and Things not exceeding One Imperial Bushel - - -	0	0	0½
For measuring every Quantity more than a Bushel, and not exceeding Two Bushels - - - -	0	0	1
And for every Bushel beyond Two Bushels - -	0	0	0½
For weighing any Cart, Waggon, or other Carriage not exceeding One Ton - - - - -	0	0	3
And so in proportion for any greater Weight than a Ton.			

SCHEDULE (I.)

Form of Conviction.

} Be it remembered, That on the Day of
to wit. } in the Year of our Lord *A. B.* is convicted before me, *C. D.*, One of Her Majesty's Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the Saint Austell Market Act, One thousand eight hundred and forty-two. Given under my Hand and Seal, the Day and Year first above written. *C. D.*

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