ANNO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lxiii.

An Act for regulating and maintaining the Markets and Market Place in the Township of *Tunstall* in the Parish of *Wolstanton* in the County of *Stafford*. [4th *June* 1840.]

WHEREAS the Township of *Tunstall* in the Parish of *Wolstanton* in the County of *Stafford* has of late Years much increased and is now very populous: And whereas for many Years last past a Market has been held and continues to be holden at *Tunstall* aforesaid, in a Place there called the Market Place, and a Town Hall, Market, or Court House, and Stalls, Standings, and other Conveniences, have been provided for the Use and Accommodation of the Persons attending the said Market: And whereas it is expedient that the Markets should be regularly established and put on a permanent Footing, with proper Rules and Regulations for governing, regulating, conducting, and managing the same; 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, That Proprietors. *Ralph Sneyd* Esquire, *Hugh Henshall Williamson* Esquire, *John Henry Clive* Esquire, *Ralph Hall*, *John Meir*, *Roylance Child*,

John Hancock, *Hugh Leese*, *John Rathbone*, *William Grosvenor*, *Charles Hulse*, *John Hassells*, *Joseph Heath*, *Samuel Dunning*, *Thomas Podmore*, and *Joseph Steele*, Gentlemen, and all and every such other Person or Persons, Body or Bodies Politic or Corporate, as shall or may from Time to Time become Subscribers to the said Undertaking, and be duly admitted Proprietors, as herein-after mentioned, and their respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for the Purposes of this Act, and shall be and are hereby declared to be One Body Politic or Corporate, by the Name of "The *Tunstall* Market Company," and by that Name shall have perpetual Succession and a Common Seal, with full Power and Authority to use the same, and by that Name shall and may sue and be sued, plead and be impleaded, at Law and in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment for any Felony, Misdemeanor, or other Offence punishable by the Laws of this Realm.

Proprietors incorporated.

Rules for Interpretation of this Act.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as one Person or Thing; and where any Word importing the Plural Number shall be used, the same shall extend and be applied to one Person or Thing as well as several Persons or Things; and where any Word shall be used importing the Masculine Gender only, such Word shall be understood to include Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Houses, Tenements, Buildings, and all Hereditaments whatsoever; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Month" shall be used, the same shall be understood to mean Calendar Month; and where the Word "Company" shall be used, the same shall be understood to mean the *Tunstall* Market Company; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Limiting the Amount of CapitalStock.

III. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, or by the Admission of new Subscribers, any Sum or Sums of Money which they shall think necessary for establishing and carrying on the said Undertaking and the Purposes of this Act, provided that the whole Capital or Joint Stock of the said Company shall not exceed Four thousand Pounds.

Capital of Joint Stock divided into Shares of 30*l.* each.

IV. And be it further enacted, That the Capital or Joint Stock of the said Company shall be divided into Shares of Thirty Pounds each, and such Shares shall be numbered, beginning with Number One, and proceeding with ascending Numbers in regular or arithmetical Progression, whereof the common Excess or Difference shall always be One; and the Shares in the said Undertaking shall always be distinguished by the Number applied to or to be applied to the same; and the said Capital or Joint Stock of the said Company shall

be and is hereby vested in the several Persons who now hold and who shall hereafter subscribe to the said Undertaking, their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Number of Shares therein they shall severally possess; and all Persons, their several and respective Executors, Administrators, and Assigns, who shall severally hold One or more such Share or Shares, shall be entitled to and receive, at such Time or Times as the said Company shall direct and appoint, the entire and net Distribution of an equal proportionable Part (according to the Number of Shares held by them respectively) of the net Profits and Advantages of the said Undertaking that shall and may arise and accrue to or be raised, recovered, or received by the said Company; and each and every Person and Persons having or holding any such Share or Shares as aforesaid shall bear and pay a proportionable Sum towards carrying on the Purposes of this Act, in manner herein directed and appointed; and all and every Person or Persons who shall subscribe for or become entitled to, and shall be in the actual Possession of One or more Share or Shares in the Capital or Joint Stock of the said Company, and his, her, or their Executors or Administrators, shall be deemed to be Proprietors or a Proprietor of the said Undertaking, subject to the Provisions and Regulations in this Act contained.

Shares to be deemed Personal Estate.

V. And be it further enacted, That all Shares in the said Undertaking, and in the Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and shall be transmissible accordingly.

Limiting Responsibility of Shareholders.

VI. And be it further enacted, That no Person, nor the Estate, Real or Personal, of any such Person, who is or shall be a Proprietor of the said Undertaking, shall be liable for or charged with the Payment of any Debt or Demand whatsoever, due or to become due by or from the said Company, beyond the Extent of his or their Share in the Capital of the said Company.

Names of Proprietors to be entered, and Certificates of their Shares to be delivered to them.

VII. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, and afterwards from Time to Time, as Occasion may require, to cause the Names of the several Corporations, and the Names and Additions of the several Persons, who shall then be or who shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to, and the Amount of their Subscriptions paid thereon, to be fairly and distinctly entered in a Book to be kept by the said Company; and the said Company shall from Time to Time cause a Certificate, signed by any Two of the Directors, and countersigned by the Secretary or other Officer of the said Company authorized by the Directors, to be delivered to every such Proprietor, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying the Sum of Two Shillings and Sixpence to the said Company for every such Certificate; and such Certificate shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Proprietors, their Successors,

cessors, Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

'The *Tunstall* Market Company.

"*Tunstall*, (Date.)

'THESE are to certify, That *A. B.* of is at the Date hereof the Proprietor of the Share Number of the *Tunstall* Market Company, subject to the Rules, Regulations, and Orders of the said Company.'

For granting new Certificates when old ones destroyed or worn out.

VIII. And be it further enacted, That if any such Certificate as aforesaid shall be worn out, damaged, lost, or destroyed, then, upon due Proof thereof, by Affidavit, Declaration, or otherwise, to the Satisfaction of the said Company, a similar Certificate shall be given to the Proprietor of the Share in respect whereof the Certificate so worn out, damaged, lost, or destroyed was granted, the said Company receiving for each such new Certificate the Sum of Two Shillings and Sixpence.

Shares may be sold and transferred.

IX. And be it further enacted, That it shall be lawful for the several and respective Proprietors of any Share or Shares in the said Undertaking, or for their Executors, Administrators, and Assigns, as the Case may be, to sell and transfer any such Share or Shares; and every such Transfer shall be in Writing, duly stamped, and may be in the Form or to the Effect following; (that is to say,)

Form of Transfer.

'I in consideration of the Sum of paid to me by the Receipt whereof I the said do hereby acknowledge, do hereby bargain, sell, assign, and transfer to the said his Executors, Administrators, and Assigns, Share [*or* Shares] of the "*Tunstall* Market Company," being Number of the Shares of the said Company, to hold to the said his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions, that I held the same immediately before the Execution hereof; and I the said do hereby agree to accept and take the said Share [*or* Shares], subject to the same Rules, Orders, Restrictions, and Conditions. As witness our Hands and Seals the Day of in the Year of our Lord One thousand .'

For ascertaining the Proprietorship of Shares in certain Cases.

X. And whereas, by reason of Death, Insolvency, or Bankruptcy, or by the Absence from this Kingdom, of the said Proprietors or any of them, or by Transfer of their, his, or her Right and Interest to some other Person and Persons, without any Registry being made thereof with the Clerk of the said Company, it may not be in the Power of the said Company to know who is or are the Proprietor or Proprietors of such Share or Shares; be it therefore enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original

original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof in manner hereinbefore specified, a Declaration in Writing shall be made by Two credible Persons before a Master or Master Extraordinary in Her Majesty's High Court of Chancery, or any One of Her Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, or Assigns; and such Declaration shall be delivered to the Clerk of the said Company, to the Intent that he may enter and register the Name or Names of every such Proprietor or Proprietors in the Register Books of the said Company; and in all or any of the said Cases the Person or Persons who for the Time being shall appear by the Register Books aforesaid of the said Company to be the Owner or Owners of any Share or Shares in the said Undertaking shall, for all the Purposes of Notice and Liabilities, be deemed and considered as the Proprietor or Proprietors thereof; and all the Parties interested under the Powers of this Act shall be bound and concluded by the Registry; and the said Company shall be fully and effectually indemnified in paying the Dividends, Interest, and Incomes arising from or in respect of such Share or Shares to the Person or Persons whose Name for the Time being shall appear in the said Register.

Proofs required when Rights to Shares accrue by Marriage or Death.

XI. And be it further enacted, That when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company, or the Profits thereof, in right of Marriage, a Declaration in Writing, containing a Copy of the Register of such Marriage, shall be made by some credible Person before a Master or Master Extraordinary in Chancery, or One of Her Majesty's Justices of the Peace, and shall be delivered to and left with the Clerk for the Time being to the said Company, who shall preserve the same, and make an Entry thereof in the Books of the said Company; and the said Clerk shall be paid for every such Entry the Sum of One Shilling, and no more, for each Share, before such Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof; and when any Person or Persons shall claim any Part or Share in the Joint Stock of the said Company, or the Profits thereof, under or by virtue of any Will or Bequest, or in course of Administration, the Probate Copy of the Will, or the Letters of Administration in case the Proprietor shall have died intestate, shall be produced and shown to the said Clerk, who shall make an Entry of such Will, or of so much thereof as shall relate to the Disposition of the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietors shall have died intestate, in the Books of the said Company; and the said Clerk shall be paid for every such Entry the Sum of One Shilling, and no more, for each Share, before any Person or Persons shall be entitled to sell and assign such Share or Shares, or to claim Payment of any Dividend or Dividends in respect thereof: Provided nevertheless, that no Bequest or Clause in any such Will contained shall bind or affect the said Company with Notice of any Trust or Disposition of

any Share or Shares in the Joint Stock of the said Company, or the Gains and Profits thereof; but the Registry of any such Share or Shares shall be in the Name or Names of the Executor or Executors who shall prove the Will of such Testator, or of the Administrator or Administrators of his Effects, whose Receipt or Receipts to the said Company for the Gains and Profits thereof, to any Purchaser or Purchasers, for the Amount of the said Purchase Money paid upon the Sale and Conveyance of such Share or Shares, shall be good and effectual, and shall bind the Cestuique Trusts, and all other Persons claiming Interest under such Testator, any Rule of Law or Equity to the contrary notwithstanding.

Directing how Subscribers shall vote at Meetings.

XII. And be it further enacted, That at all General and Special General Meetings held by virtue of this Act all Persons and Body or Bodies Corporate or Politic who shall have duly subscribed for or become entitled to any Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall be entitled to vote in respect of such Shares according to the Number thereof, each Share giving a Right to One Vote; and such Vote or Votes may be given by such respective Parties, or in their Absence by their respective Proxies, constituted under the Seals of such Bodies, or under the Hands of the other Proprietors appointing such Proxies; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company shall be determined by the Majority of Votes of the Proprietors of the said Company then present, personally or by Proxy; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and also as a Proxy, but in case of an Equality of Votes shall and may also have the deciding or Casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby constituted, and other Circumstances, will admit; (that is to say,)

Form of Proxy.

'*A.B.* One of the Proprietors of the *Tunstall* Market, 'hereby appoint *C.D.* of to be the Proxy of the said '*A.B.*, to vote or give his Assent to or Dissent from any Business, 'Matter, or Thing relating to the said Undertaking, which shall be 'proposed at any General or Special General Meeting of the said 'Company, in such Manner as he the said *C.D.* shall think proper. 'Dated this Day of One thousand eight 'hundred and .'

Proxies to be given to Proprietors only, and to be transmitted to the Secretary or Clerk of Company.

XIII. Provided always, and be it further enacted, That no Person, except a Proprietor in the said Undertaking, shall be entitled to vote as the Proxy of any Person or Corporation, nor unless the Instrument appointing such Proxy shall have been transmitted to and received by the Secretary or Clerk of the said Company Two Days at least before the holding of the Meeting at which such Proxy is intended to be used.

XIV. And

The Person whose Name stands first as a joint Proprietor with others, to be deemed the Owner and to vote.

XIV. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall, for the Purpose of voting at any General or Special General Meeting of the said Company, be deemed the Proprietor of such Share; and as between several Proprietors all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share, (and not otherwise,) and whose Vote shall, either in Person or by Proxy, on all Occasions, be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share.

Notice of Meetings how to be given.

XV. And be it further enacted, That all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person, or be inserted in the *London Gazette* as herein mentioned (as the Case may require); and such Notice shall be deemed sufficient Notice to such Person whose Name shall so stand first as aforesaid, and to all other the Proprietors of such Share, for all the Purposes for which such Notice is intended to be given.

Lunatics and Minors to vote by Committees and Guardians.

XVI. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot or Minor, such Lunatic or Idiot shall or may vote at such Meeting by any One of his Committee, and such Committee may vote, in respect of the Interest of such Lunatics or Idiots, either in Person or by Proxy; and such Minor shall and may vote by his Guardian or by any One of his Guardians, and such respective Guardians, or any of them, may vote, in respect of the Interest of such Minors, either in Person or by Proxy: Provided always, that every such Party may also vote in right of his own Share (if he have any) as well as in the Character of Committee or Guardian.

Proprietor in arrear not to vote.

XVII. And be it further enacted, That no Proprietor of any Share on which any Call shall have been made shall, after the Day appointed for the Payment of the same, be allowed to vote, either personally or by Proxy, at any Meeting of the Proprietors of the said Company, until the Money called for in respect of such Share shall have been fully paid.

After a Call made, no Share to be sold until Call is paid.

XVIII. And be it further enacted, That no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Undertaking upon which any Call shall have been made, unless at the Time of such Sale or Transfer he or they shall have paid the full Sum of Money which shall have been called for in respect of such Share.

XIX. And

Receipt of One Proprietor of a Share a sufficient Discharge.

XIX. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company, shall from Time to Time be a sufficient Discharge to the said Company, or to the Treasurer for the Time being of the said Company, for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, whether or not the said Company have Notice of such Uses or Trusts; and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of a Committee, Parent, or Guardian a sufficient Discharge.

XX. And be it further enacted, That in all Cases where Money shall be payable, under the Provisions of this Act, to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Committee or Guardian (if any, or, if not, of the Parent of such Minor,) shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Power to raise Money by Mortgage.

XXI. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising any Sum of Money which may be necessary for the Purposes of this Act by Mortgage of the said Undertaking, it shall be lawful for the said Company, at any Time after One Half of the aforesaid Capital Sum of Four thousand Pounds shall have been paid up, to borrow and take up at Interest such Sum or Sums for the Use of the said Company as they shall think proper, not exceeding One thousand five hundred Pounds, and either in one Sum or in several Sums, on the Credit of the said Undertaking, and the Buildings, Lands, and Tenements thereof, and the Profits and Advantages, or any Part thereof, arising or to arise to the said Company by virtue of this Act, and thereupon, by Writing under their Common Seal, to assign all or any Part of the Property and Effects of the said Company to such Person or Persons as shall lend or advance any such Money, or to his, her, or their Trustee or Trustees, Assignee or Assignees, as a Security for the Principal Money to be advanced, together with lawful Interest for the same; and the Charges and Expences of such Mortgage or Assignment shall be from Time to Time defrayed by the said Company out of the Money so borrowed; and every such Mortgage or Assignment shall be made by Deed duly stamped, in which the Consideration shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Security.

'BY virtue of an Act passed in the Third Year of the Reign of 'Her Majesty Queen *Victoria*, intituled [*here set forth the Title* '*of this Act*], we of the Directors appointed by virtue 'of the said Act for putting the same in execution, and in considera- 'tion of the Sum of advanced and paid by 'to the Treasurer appointed in pursuance of the said Act, upon the 'Credit and for the Purposes of the said Act, do grant and assign 'unto the said Executors, Administrators, and 'Assigns, such Proportion of the Rents, Tolls, and Profits arising 'by virtue of the said Act as the said Sum of doth

'or

‘ or shall bear to the whole Sum which is or shall be borrowed upon
‘ the Credit of the Rents, Tolls, and Profits arising by virtue of the
‘ said Act, to be had and holden from this Day
‘ of 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 Hands and Seals this
‘ Day of .’

And every such Grant or Mortgage shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever.

Securities may be transferred.

XXII. And be it further enacted, That it shall be lawful for all and every the Person and Persons entitled to any of the Securities for Money which shall be borrowed, by Writing under their, his, or her Hands and Seals or Hand and Seal, to be executed in the Presence of Two or more credible Witnesses, to assign or transfer the same to any Person or Persons whomsoever; and every such Transfer shall be made by Deed duly stamped, in which the Consideration shall be duly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

‘ 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 the Directors for putting in execution an
‘ Act of Parliament passed in the Third Year of the Reign of Her
‘ Majesty Queen *Victoria*, intituled [*here set forth the Title of this*
‘ *Act*], and the Principal Sum of 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 .
‘ Witness .’

Memorials of Transfers to be kept by the Clerk.

Which Transfer shall, within Twenty Days after the Date thereof, be produced and notified to the Clerk aforesaid, who shall cause an Extract or Memorial thereof to be entered in the Book or Books of the Company, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred; and for the entering of every such Transfer the said Clerk shall be paid, by the Person or Persons to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, but not till then, every such Assignment shall entitle such Assginee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may assign the same again, and so *toties quoties*; and it shall not be in the Power of any such Person or Persons who shall have made any such Assignment to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Power to increase Capital Stock by augmenting the Shares.

XXIII. And be it further enacted, That in case the said Company, at any Special Meeting to be called as by this Act is directed, instead of borrowing such further or additional Sum as aforesaid by way of Loan, or continuing the same on Loan, shall think it advisable to raise such further or additional Sum, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Loan, and to raise the Remainder thereof, or Part of the Remainder thereof, by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company, by the issuing of new Shares, to augment the Capital Stock of the said Company by any further Sum or Sums of Money, so as the same, together with any Sum of Money that may be borrowed and continuing at Interest by way of Loan as aforesaid, shall not exceed such further and additional Sum of One thousand five hundred Pounds hereby authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such additional or further Sum as aforesaid, as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital Stock of the said Company.

Power to make Calls.

XXIV. And be it further enacted, That the said Company, at any General Meeting or Special General Meeting to be called for that Purpose, or at any Adjournment thereof respectively, or the Directors for the Time being for managing the Affairs and Business of the said Company, shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Subscribers or Proprietors of Shares in the said Undertaking, who shall not have already paid or contributed to the full Amount or Sum of Ten Pounds upon or in respect of each Share, their Executors, Administrators, Successors, or Assigns, as the said Company or Directors shall from Time to Time find expedient for the Purposes of the said Undertaking, so that no such Call do at any One Time exceed Five Pounds upon such Share of Ten Pounds, and so that no Call or Calls shall be made but at the Interval of One Calendar Month at least from each other, and so that the total Amount of such Call or Calls shall not exceed the Sum of Ten Pounds in respect of each Share held by the several Proprietors; and so that Seven Days Notice at the least shall be given of every such Call as aforesaid in some Newspaper of the County of *Stafford*, or by Letter sent by Post addressed to such Proprietor at his or her Residence, or left for him or her there; and the respective Proprietors shall pay their entire Proportion of the several Sums of Money which shall be so called for, into the Hands of the Treasurer of the said Company for the Time being, at such Times and Places as shall from Time to Time be appointed by the said Company or Directors, in such Advertisements, Notices, or Letters.

Enforcing Payment of Subscription

XXV. And be it further enacted, That the several Persons who shall be or become Subscribers for and towards the said Undertaking, or

or who shall at any Time have or hold any Share or Shares in the Capital or Joint Stock of the said Company, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed or to be subscribed, or such Parts or Portions thereof as shall from Time to Time be called for pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner, as shall be ordered and directed by the said Company or their Directors for the Time being; and in case any Person or Persons shall neglect or refuse to pay any such Money at such Time or Times and in such Manner as shall be ordered and directed by the said Company or their Directors as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise, in any of Her Majesty's Courts of Record, together with lawful Interest for the same from the appointed Time or Times of Payment, from such Person or Persons respectively; and in like Cases of Neglect or Refusal, where Two or more Persons shall have jointly subscribed for or be jointly possessed of any One or more of such Share or Shares, then in like Manner to sue for and recover the same from all or any of such joint Subscribers.

Shares to be forfeited on Nonpayment of Calls.

XXVI. And be it further enacted, That if any Subscriber to or Proprietor of any Share or Shares in the said Undertaking, his, her, or their Executors, Administrators, or Assigns, shall refuse or neglect to pay his, her, or their Proportion of the Money so called for as aforesaid for the Space of One Calendar Month next after the Time appointed for Payment thereof, with lawful Interest for the same from such appointed Time of Payment, then and in every such Case such Person or Persons so refusing or neglecting shall (whether the same shall have been sued for in any Court of Law or Equity or not) absolutely forfeit all his, her, or their Share or Shares in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, unless otherwise determined by a Special General Meeting; and all Shares which shall be so forfeited shall be vested in the said Company, and be sold at a public Sale to the highest Bidder for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided always, that no Advantage shall be taken of any such Forfeiture until after Fourteen Days Notice in Writing shall have been given by the Directors of the said Company, or by the Clerk of the said Company, to the Proprietor or Proprietors thereof, or left at his, her, or their last or usual Place of Abode, if he, she, or they reside within the Limits of this Act, and if not, then by Letter sent by Post, nor unless the same Share or Shares shall be declared forfeited at some General Meeting or Special General Meeting of the Company held not sooner than One Calendar Month next after the Day on which Notice of such Forfeiture shall have been given as aforesaid; and every such Forfeiture, when so declared, shall be an absolute Indemnification and Discharge to and for the Proprietor who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, and Assigns, against all Actions, Suits, and Proceedings whatsoever, at Law or in Equity, for any Breach of Contract between such Proprietor so forfeiting and the said

Forfeited Shares may be sold.

said Company, for or on account of not paying such Call or Calls, or in regard to the future prosecuting of the said Undertaking; and every Share so sold shall be transferred to the Purchaser or Purchasers thereof by the said Company or Directors, under the Common Seal of the said Company, and the Name or Names of the Purchaser or Purchasers shall be registered in the Books of the Company; and such Purchaser and Purchasers shall be subject to all the same Liabilities as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking, and to all the Rules and Directions of this Act; and thereupon the Proprietor or Proprietors of such Shares so sold and transferred shall be and be deemed a Member or Members of the said Company, to all Intents and Purposes whatsoever, and shall be entitled to all the same Privileges and Advantages as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking.

If Purchase Money of forfeited Shares be more than sufficient to pay the Arrears of Calls, &c., Surplus to be paid to the Owners of such Shares.

XXVII. And be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of the Nonpayment of any Call as aforesaid shall be more than sufficient to pay all Arrears of Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided always, that it shall not be lawful for the said Company or for the said Directors to sell or transfer more of the Shares of such Defaulter, under the Powers last herein-before contained, than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears of Calls due from such Defaulter, and the Interest and Expences as aforesaid; and from and after Payment of such Arrears of Calls, and the Interest and Expences aforesaid, any Share so forfeited, and vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Proceedings in Actions for Calls.

XXVIII. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor of any Share in the said Undertaking, to recover any Money due and payable for or in respect of any Call, it shall be sufficient for the said Company to declare and allege that the Defendant, being a Proprietor of a Share or so many Shares (as the Case may be) in the said Undertaking, is indebted to the said Company in such Sum of Money as the Calls in arrear shall amount to; and on the Trial of such Action it shall only be necessary to prove that the Defendant, at the Time of making such respective Calls, was a Proprietor of a Share in the said Undertaking, and that such Call was in fact made, and that such Notice was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid, on such Calls, unless it shall appear that Notice was not given as herein-before required; and in order to prove that the De-

fendant was a Proprietor of such Share in the said Undertaking, as alleged, the Production of the Book in which the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors from Time to Time of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to, and of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Corporations who shall from Time to Time become entitled to Shares therein, or an Extract from such Book, certified by the Secretary or One of the Directors of the said Company, shall be *primâ facie* Evidence that such Defendant is a Proprietor, and of the Number and Amount of his Shares therein.

In case Loans are paid off the Company may raise the Amount again.

XXIX. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the Money herein-before authorized to be raised as aforesaid, and shall afterwards pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow more than the Sum of One thousand five hundred Pounds in the whole at any One Time.

No Preference to be allowed amongst Creditors.

XXX. And be it further enacted, That Persons lending Money under this Act shall be entitled, one with the other, to their respective Proportions of the said Tolls, Stallage, Rents, Duties, and Sums and Premises according to the respective Sums lent or advanced by them respectively, without any Preference by reason of Priority of the Date of any such Order of Meeting, or Priority of Date of any Security held by them respectively, or on any other Account whatsoever.

Application of Money to be raised.

XXXI. And be it further enacted, That the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in and towards purchasing Lands for enlarging the said Market, or in the Erection of Buildings for the Purposes thereof, and in otherwise carrying this Act into execution.

First and other General Meetings of the Company.

XXXII. And be it further enacted, That there shall be a yearly General Meeting of the said Company on *Wednesday* in the First Week of the Month of *October* in each and every Year, or within the Space of Twenty Days next after such Period (the First of such yearly Meetings being held in the Month of *October* One thousand eight hundred and forty), and all such and so many Special General Meetings of the said Company as the Directors of the said Company shall think proper to convene, or as shall be convened by the Proprietors in manner herein-after provided, of which said General

Meetings and Special General Meetings Seven Days public Notice at the least shall be given in the Manner herein-after directed; and every such Notice of a Special General Meeting shall specify the Purpose for which the same is called; and such First General Meeting and such yearly General Meetings and Special General Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient; and at all such Meetings of the said Proprietors to be held as aforesaid the Proprietors then present, not being fewer than Five in Number, shall and may proceed to Business, and act in the Execution of the several Powers hereby given to the said Company of Proprietors; and if it shall happen that there shall not appear at any of the aforesaid Meetings of the said Proprietors a sufficient Number of the said Proprietors to act, or to adjourn (Five Proprietors being hereby declared sufficient in all Cases to proceed to Business, and Two Proprietors being hereby declared sufficient for the Purpose of Adjournment only), then and so often as the Case may happen such Meeting shall stand over and be deemed to be adjourned to the same Day in the following Week, and at the same Place and Hour at which the same ought to have been held as aforesaid.

A certain Number of Proprietors may call a General Meeting.

XXXIII. And be it further enacted, That in case any Four or more of the said Proprietors, being jointly possessed of or entitled to Four or more Shares in the said Undertaking, and who shall each of them have been a Proprietor of the said Company for at least Six Months, shall think fit that a Special Meeting of the said Proprietors should be holden, then it shall be lawful for them to call a Special Meeting of the said Proprietors, to be held at such Hour and Place within the said Town of *Tunstall* as they shall think fit, provided Ten Days Notice of the Time and Place and Purport of such Special Meeting be given by the Persons calling the same, by leaving Notice thereof in Writing at the Place of Abode of the Secretary of the said Company, or by written Notice to be delivered or left at the last or usual Place of Abode of each Proprietor, or by putting into the General Post Office a Notice directed to each such Proprietor, such Notice to specify the Reason and Intention of requesting such Special Meeting, and the Time when and the Place where the said Meeting shall be held; and at such Special Meeting it shall be lawful for the Proprietors then present, or the Majority of them, to proceed to transact the Business specified in the Notice for which such Special Meeting shall have been called, and no other.

Business at Special and adjourned General Meetings.

Five Shareholders to be present.

XXXIV. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned General or adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place: Provided always, that no Business whatever shall be transacted at any General or Special General Meeting unless Five or more Shareholders shall be present.

Notice of Meetings.

XXXV. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special

General Meeting of the Proprietors of the said Undertaking, or of any other Matters, to any of the said Proprietors, and all other Notices which may be required by or on behalf of the said Company, and which are not herein otherwise provided for, shall be signed by the Chairman or any Two of the Directors of the said Company, and shall be given by written Notice, signed by the Clerk or Secretary of the Company, to be delivered or left at the last or usual Place of Abode of each Proprietor, or put into the General Post Office directed to each such Proprietor, and all such Notices, when given, shall be deemed and considered the same as if personally served; and all Notices by this Act authorized to be left at the Place of Abode of any Proprietor may be so left at the Place of Residence as described in the Books of the said Company; and any Proprietor may have full Liberty, at all seasonable Times, without Fee or Reward, to inspect, and ascertain that his proper Residence is there inserted; and in the event of its not being so, or of any Change of Residence taking place, the Secretary or Clerk of the said Company shall, on Notice thereof from such Proprietor, make such Alteration in the said Books as may be requisite.

At Meetings of the Company, One of the Directors to preside, if any one present, and Chairman to have casting Vote.

XXXVI. And be it further enacted, That at all General and Special General Meetings of the said Company One of the Directors then present shall preside as Chairman, and in case no Director shall be present, then One of the Proprietors to be elected by the Meeting; and such Chairman, in case of an equal Division of Votes upon any Question, shall, in addition to his own Votes in respect of the Shares held by him, and in respect of the Shares of any other Proprietor whose Proxy he may hold, have an additional or casting Vote as Chairman.

First General Meeting to choose Directors.

XXXVII. And be it further enacted, That at the First Annual General Meeting to be held as herein-before is mentioned in the Month of *October* One thousand eight hundred and forty, or at some Meeting to be held by Adjournment therefrom, Three Persons, who shall be Proprietors in the said Undertaking, shall be elected Directors, to manage the Affairs of the said Company, by the Proprietors present at such Meeting either personally or by Proxy; and of the Directors so elected as aforesaid, and the several Persons so to be elected, being neither removed, nor disqualified, nor resigning, shall continue in Office and be Directors until others shall be elected in their Stead, in pursuance of this Act; and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

Directors to go out annually by Rotation.

XXXVIII. And be it further enacted, That at the General Meeting which will be in the Year One thousand eight hundred and Forty-one One of the Directors who shall have been so elected as aforesaid (to be determined among themselves) shall go out of Office and cease to be a Director of the said Company, and another Proprietor in the said Undertaking shall be appointed by the said Company to be a Director in his Place and Stead; and at a General Meeting to be held in the Month of *October* One thousand eight hundred

hnndred and forty-two One other of the said Directors, who shall have been so first elected as aforesaid (to be determined as aforesaid), shall go out of Office and cease to be a Director of the said Company, and his Place shall be supplied in like Manner; and at a General Meeting to be held in the Month of *October* in the Year One thousand eight hundred and forty-three the remaining Director, who shall have been so elected in One thousand eight hundred and forty, shall go out of Office and cease to be a Director of the said Company, and his Place shall be supplied in like Manner; and at a General Meeting of the said Company to be held in the Month of *October* in every subsequent Year the Director who shall have been longest in Office shall go out of Office and cease to be a Director of the said Company, and his Place to be supplied in like Manner.

Directors going out of Office to be re-eligible.

XXXIX. Provided always, and be it further enacted, That every Director who shall go out of Office on any annual Day of Election may be immediately, or at any future Time, re-elected by the said Company a Director of the said Company; and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

For supplying Vacancies in the Board of Directors.

XL. And be it further enacted, That when and so often as any Director of the said Company shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, it shall be lawful for the remaining Directors (if they shall think proper so to do) to elect some other Proprietor, duly qualified, to be a Director; and every such Proprietor, so elected to fill up any such Vacancy, shall be a Member of the same Board of Directors, and shall continue in Office as a Director so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

Powers of this Act may be exercised by Two Directors.

XLI. And be it further enacted, That all the Powers and Authorities hereby given to and vested in the Directors for the Time being of the said Company shall and may, at all Times and in all Cases, and for all Constructions and Purposes, be exercised by any Two of the said Directors.

Directors interested not to vote.

XLII. Provided always, and be it further enacted, That if any Proprietor who shall be elected a Director as aforesaid shall be or become a Dealer, either directly or indirectly, in any Article to be used or provided by the said Company, or shall offer to take or participate in any Work to be done for the said Company, or be concerned or interested in any Contract or Contracts under the said Company, every such Director shall be disqualified to vote in any Matters or Questions to be discussed or argued by the said Directors, wherein he shall be directly or otherwise interested further than as a Proprietor, and shall also, on sufficient Proof of his so voting, forfeit and pay for every such Offence the Sum of Fifty Pounds.

XLIII. And

Powers and Duties of Directors.

XLIII. And be it further enacted, That the Directors for the Time being of the said Undertaking shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to use the same, and to do all Acts whatsoever for carrying into effect the Purposes of this Act, and for the good Management, Regulation, and Direction of the Affairs of the said Company, or relative thereto, or to the Rates to be charged as after mentioned, which the said Company are by this Act authorized to do, except such as are herein required and directed to be done at some General or Special General Meeting of the said Company; and the said Directors shall appoint and displace all the Officers and Servants of the said Company, and allow to them such Salaries, Gratuities, and Recompences as to the said Directors shall seem proper; and the said Directors shall hold stated monthly Meetings in *Tunstall* aforesaid, and shall also have Authority to meet and adjourn from Time to Time and from Place to Place in *Tunstall* aforesaid, as they shall think proper; and there shall be Two Directors at the least present in order to constitute a Meeting; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, unless he be the Chairman of such Meeting, in which Case he shall, if there be an equal Division, always have an additional or casting Vote as such Chairman; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and they shall also keep full and true Accounts of all Monies disbursed and Payments made by them, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the Rates, Tolls, or Sums by this Act granted, or from any other Officer or Person employed in, or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person on any Account for the Use of the said Company; and shall regularly enter into some Books, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, as the Case shall require, of such Appointments, Receipts, and Disbursements, and of all Contracts and Bargains entered into or made by them, and of other their Proceedings, and which Books shall be deposited with and kept under the Care and Direction of the said Directors: Provided always, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to the Directors of the said Company; provided also, that the said Directors shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or Officer of the said Company, who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Contracts signed by Two Direc-

XLIV. And be it further enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company which shall

tors to be binding.

shall be signed by any Two of the Directors of the said Company shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators; and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Company, or any of the other Parties thereto failing in the Execution thereof.

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

XLV. And be it further enacted, That the said Company shall cause to be provided and kept a proper Book, and fair and regular Entries to be made therein of the Orders and Proceedings of the said Company relative to the Execution of this Act, together with the Names of the Subscribers who shall attend every Meeting, and the Clerk for the Time being to the said Company shall sign the same, and such Book shall be open at all seasonable Times to the Inspection of the said Subscribers or any Creditor on the Tolls to be received or taken in pursuance of this Act, without Fee or Reward; and such Orders and Proceedings, so entered and signed as aforesaid, shall be deemed and taken to be original Orders and Proceedings; and such Book, and also the Books to be kept for registering Mortgages and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts and Places whatsoever, in all Cases of Appeal, and in all Prosecutions, Examinations, Suits, and Actions whatsoever, before all Judges, Justices, and others.

Directors to cause Accounts to be kept.

XLVI. And be it further enacted, That the said Directors shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book to be provided and kept by their Clerk, in which Book such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book shall at all seasonable Times be open to the Inspection of the respective Subscribers and every Creditor on the Tolls by this Act authorized to be taken, without Fee or Reward; and the said Subscribers and Creditors, or any of them, may take Copies of or Extracts from the said Book, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Subscribers or Creditors as aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Refusal or Default.

Same Person not to be Clerk and Treasurer.

XLVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company or their Directors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of

of any such Treasurer, to be the Clerk of the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Officers to account.

XLVIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Directors of the said Company, make out and deliver to them, or to such Persons as they shall for that Purpose appoint, a true and perfect Account, in Writing under his Hand, of all Monies which shall have been by him received by virtue of this Act; and such Account shall state how, and to whom, and for what Purpose the same shall have been disposed of, together with proper Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Directors or the said Company, or to such Persons as the said Directors or Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, in his Possession or Power, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Directors or the said Company, or to such Persons as they shall appoint, within Three Days after being thereunto required by the said Directors or Company, or by such other Persons as last aforesaid, all Books, Papers, and Writings, Property, Effects, Matters, and Things in his Possession or Power, relating to the Execution of this Act, or belonging to the said Company, then and in every such Case, Complaint being made thereof by the said Directors or the said Company, or by any other Person on their Behalf, to any Justice of the Peace acting in and for the County of *Stafford*, or in and for any other Place wherein such Officer or Person so neglecting or refusing shall be or reside, the said Justice may and he is hereby required to grant a Warrant for bringing such Officer or Person before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if, upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths, Affirmation

or

or Affirmations, (as the Case may require,) of any Witness or Witnesses, which Oath or Affirmation such Justice is hereby empowered and required to administer and take, or upon Inspection of the said Accounts, if produced, it shall appear to the said Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, the said Justice may and he is hereby empowered, upon Nonpayment thereof, to grant Warrant for such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels shall not be found to answer and satisfy the said Monies, and the Expences of such Distress and Sale, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers, and Receipts, Books, Papers, and Writings, Property, Effects, Matters, and Things, belonging to the said Company, in his Possession, then and in any of the Cases aforesaid the said Justice may grant Warrant for committing such Officer or Person to some Common Gaol or House of Correction for the said County of *Stafford*, there to remain, without Bail or Mainprize, until he shall have made out and delivered such an Account as shall be satisfactory to the said Justice, and have delivered up the said Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings, Property, Effects, Matters, and Things (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale, or until he shall have compounded with the said Directors or the said Company for such Money and Charges, and have paid the Composition Money to them (and which Composition the said Directors or Company are hereby empowered to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings, Property, Effects, Matters, and Things, to the said Directors or Company: Provided always, that no Person who shall be committed as aforesaid for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Company may purchase or take on Lease Lands for the Market.

XLIX. And be it further enacted, That the said Company shall have full Power and Authority, with the Consent of a General or Special General Meeting of the said Company, to be signified by a Resolution of such Meeting, from Time to Time to purchase or take on Lease any Buildings, Lands, or other Property from any Person or Persons who may be willing to dispose of the same for the Purposes of the said Market, and for such Purposes to enter into all Contracts, Conveyances, Deeds, and Writings as may be found necessary; and the said Company may also, at their own Expence, erect and build upon or contract for the Erection upon such Lands to be acquired as aforesaid of such Buildings for the Use of the said Company as to them shall seem meet and desirable.

Power to dispose of Premises not

L. And be it further enacted, That it shall be lawful for the said Company or their said Directors, and they are hereby authorized and

and required, within Ten Years, to sell or otherwise dispose of such Part or Parts of the Lands or Hereditaments as shall not be necessary or wanted for the Purposes of the said Market or the Approaches thereto, to any Person or Persons willing to contract or agree for the same, and to make, execute, and subscribe such Conveyances, Leases, or other Deeds in favour of the Purchasers or Lessees of the said Lands as may be requisite and proper, and the Money arising or from Time to Time to arise therefrom shall be paid and applied for the Purposes of this Act.

wanted for the Purposes of the Market.

LI. And be it further enacted, That the said Company, before they shall dispose of any such Lands, shall first offer to sell the same to the Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, and who shall be conveniently to be found and capable of entering into a Contract for the Purchase thereof; and all Persons and Corporations hereby capacitated to sell, in like Manner shall be and are hereby capacitated to purchase of the said Company; and every such Person, in case he shall be desirous of purchasing the same Lands, shall signify such his Desire and Intention in that Behalf to the said Company in Writing, within Ten Days after such Offer of Sale shall have been made by Notice in Writing, given to or left for him at his last known or usual Place of Abode; and in case such Persons shall decline or neglect to avail themselves of such Offer, or shall neglect so to signify their Desire and Intention to purchase such Lands for the Space of Ten Days after such Offer shall have been made, the Right of Pre-emption of every such Person so declining or neglecting in respect of such Lands included in such Offer shall cease; and the Declaration made before any Justice of the Peace acting in and for the said County of *Stafford*, by some Person not interested in the said Lands, stating that at the Time such Lands shall have been sold the Person entitled to such Right of Pre-emption was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Company, and was refused or was not accepted (or agreed to, as the same may be,) by the Person to whom the same was made, within Ten Days from the Time of making of the same, shall in all Courts and on all Occasions whatever be conclusive Evidence and Proof of the Facts therein stated.

First Offer to whom to be made.

LII. And be it further enacted, That it shall be lawful for the said Company, or the Directors thereof for the Time being, to have, hold, and keep the said Market for ever, upon every lawful Day in the Year, and also, by themselves, or any of their Collectors, Farmers Officers, or Servants, from and after the said Market shall have been so far completed as to afford reasonable Accommodation to the Public, such Accommodation to be judged and approved of by the Justices assembled at some Quarter Sessions held for the said County, to ask, demand, recover, receive, and take, of and from all Persons who shall rent, hire, or use any Stall or Standing Place in any Part of the said Market, the several Rents, Tolls, Stallages, or Sums of Money which shall at any Time or from Time to Time be fixed and appointed by the said Company or by their Directors to be paid for the

Power to hold Market and take Tolls.

the same, and that in advance, or otherwise, as to the Directors shall appear proper, according to but not exceeding the several Rents, Tolls, Stallages, or Sum or Sums of Money mentioned and specified in the Schedule to this Act annexed.

Articles and Commodities to be sold in the Market.

LIII. And be it further enacted, That the said Market shall be a Market for supplying the Inhabitants of the said Town and Neighbourhood with Meat, Fish, Poultry, Eggs, Butter, and other Provisions, and also for the Sale of Live Cattle, Horses, Sheep, and Pigs, and of Vegetables, Fruit, Flour, Meal, Malt, Hops, Seed, Grain, Hay, Straw, and other Produce of Land, China, Glass, Earthenware, and all such other Articles, Goods, Wares, Merchandizes, and all other marketable Provisions and Commodities, and for buying and selling all or any such Articles, Goods, Wares, and Merchandize as aforesaid; and the said Market, when certified by Her Majesty's Justices of the Peace for the said County of *Stafford*, at their Quarter Sessions assembled, shall be and is hereby declared to be a Market for the Sale of the several Articles aforesaid, and all such other Articles, Matters, and Things as are usually bought and sold in open Market.

Marketable Commodities not to be sold in the Streets.

LIV. And be it further enacted, That from and after the Time when the said Market shall be certified to be completed as aforesaid it shall not be lawful for any Person or Persons to sell or expose to Sale any Meat, Fish, Poultry, Eggs, Butter, or other Provisions, Live Cattle, Horses, Sheep, Pigs, or Vegetables, Fruit, Flour, Meal, Malt, Hops, Seed, Grain, Hay, Straw, or other Produce of Land, China, Glass, Earthenware, or any other Articles or Commodities usually sold in public Markets, in any of the Streets, Lanes, Entries, or other public Passages or Places other than such Market Place or Places as aforesaid; and in case any Person or Persons shall offend herein every Person shall for every such Offence, on Conviction before a Justice of the Peace for the said County of *Stafford*, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after mentioned: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any Marketable Commodity, Goods, Wares, or Merchandize whatsoever in his own private Dwelling House or in his own Shop or Premises.

Directors authorized to let Stalls, &c.

LV. And be it further enacted, That it shall be lawful for the Directors and they are hereby authorized and empowered from Time to Time to let any of the Stands, Stalls, Benches, Hangings for Meat, or other Conveniences to be erected, built, or made within the said Market, and on the Ground to be so purchased as aforesaid, with the Appurtenances, to any Person or Persons who shall be desirous of taking the same, by the Year or for any shorter Period, and at such Rents as the said Company or their Directors shall think fit.

Leases not to be assigned without the Consent of

LVI. Provided always, and be it further enacted, That no Lease of the said hereby authorized Market or Tolls shall at any Time be assigned, nor any Stall, Standing Place, or other Conveniency, whether

whether let by the Day, Year, or for any longer Period, underlet, or in any Manner conveyed or assigned, without the Consent in Writing of the said Company or their Directors; and if any Lessee or Assignee, Lessees or Assignees, of any Lease, or if any Person or Persons having any Interest in any such Stall, Standing Place, or other Conveniency as aforesaid, shall, at any Time during his, her, or theirIn terest or Interests therein, set, let, underlet, demise, or assign, or otherwise part with the Possession of such Stall, Standing Place, or other Conveniency, then the Interest of the Person or Persons so setting, letting, underletting, demising, assigning, and parting with the Possession of the same therein shall, at the Will and Pleasure of the said Company or their Directors, be utterly void and of no effect, and the said Company or their Directors, or any Person or Persons duly authorized by them, shall and may thereupon enter upon the said demised Premises, and such Stall, Standing Place, or other Conveniency, and let the same to any other Person or Persons whomsoever; and in case the Farmer, Lessee or Assignee, Lessees or Assignees of, or Person or Persons having had such Interest in, any such Stall, Standing Place, or other Conveniency, or any Person or Persons claiming under him or them, shall in any such Case as aforesaid refuse to quit the same, he, she, or they shall and may, upon Complaint made to any Justice of the Peace in and for the County of *Stafford*, who is and are hereby empowered and directed to inquire into the Matter, be removed by such Justice therefrom by Warrant under his Hand. the Company.

LVII. And be it further enacted, That when any Person or Persons who may have hired any Stand whatever for a Day or otherwise shall leave such Stand, then the same may (subject to the Right of such Person or Persons to re-occupy the same for the Time of the Hiring) be taken possession of by the said Company or their Directors, or their Lessee or Lessees, and be let and disposed of in such Manner and on such Terms as they shall think fit, so that no greater Rent be taken for any of such Standings on any such re-letting than as specified in the said Schedule. Company may take possession of Stands, &c. not used.

LVIII. And be it further enacted, That the said Company or their Directors shall set up and maintain, or cause to be set up and maintained, in some conspicuous Part of the said Market, a Table of the Tolls and Stallage to be taken by virtue of this Act; and in case any Person holding, using, or in any Manner occupying any of the Standings or Stalls, or otherwise becoming indebted to the said Company for any of the Sums of Money, Tolls, Stallage, and Dues by this Act to be paid, shall refuse to pay or evade the Payment of the said several Sums of Money, Tolls, Stallage, and Dues, or any Part thereof, then and in such Case, and as often as it shall so happen, it shall be lawful for the said Company and their Directors, or the Person or Persons to be appointed to receive such Tolls, Stallage, and Dues, to levy and recover the same by Distress and Sale of all or a sufficient Part of any Meat, Game, Poultry, Vegetables, Fruit, Flowers, Hay, Straw, Malt, Meal, Hops, Grain, Goods, or Articles found in the said Market, and belonging to the Person or Persons so refusing, rendering the Overplus (if any) which shall remain after Company to put up a Table of Tolls;

Payment

Payment of the said Sums of Money, Tolls, Stallages, and Dues, and the reasonable Costs, Charges, and Expences of such Distress and Sale, to the Person or Persons whose Property such Provisions, Goods, Chattels, or other Things were at the Time of such Distress; and in case any Difference shall arise between the Parties concerning such Costs, Charges, and Expences, the same shall be settled by any Justice of the Peace acting for the said County of *Stafford*, upon Application to him for that Purpose within Ten Days next after the said Distress and Sale: Provided always, that the said Company and their Directors, or their Servant or Servants, shall not have the Power to levy, receive, and take, by Distress or otherwise, the several Tolls, Stallages, Dues, or Sums of Money, or any Part thereof, to be taken by virtue of this Act, unless a Table of such Tolls, Stallage, or Dues shall be affixed, set up, and maintained in some conspicuous Place in the said Market: Provided also, that any Person or Persons defacing, damaging, injuring, or destroying any such Table of Tolls, Stallage, or Dues so to be taken as aforesaid shall forfeit and pay to the said Company for every such Offence such Sum of Money, not exceeding Five Pounds, as any Justice of the Peace acting for the said County of *Stafford* shall in that Behalf direct.

and no Tolls recoverable until such Table is set up.

Penalty for defacing the Table.

Power to make Rules and Bye Laws for the Regulation of the Market, &c.

LIX. And be it further enacted, That for the better regulating and managing the said Market and Market Places and Buildings when made and established, it shall be lawful for the said Directors and they are hereby authorized from Time to Time to make, provide, constitute, and ordain such Rules, Orders, and Bye Laws as they shall think fit and necessary for the regulating, ordering, and governing all Persons, both Buyers and Sellers, coming and resorting to the said Market, and for preventing the Sale of or exposing to Sale any unwholesome Meat or other Provisions in such Market, and likewise for regulating and ordering all other Matters and Things which do or may concern or relate to the said Market, and also for the better ordering and regulating the Use of the said Buildings; and the Directors may from Time to Time, as they shall think fit, repeal, alter, add to, or amend such Rules, Orders, Bye Laws, and Regulations, or any of them, and shall ascertain and therein set down what pecuniary and other Penalties and Forfeitures shall be incurred by Persons breaking or evading such Rules, Orders, Bye Laws, and Regulations, or any of them; provided always, that no Penalty shall exceed the Sum of Forty Shillings for any One Offence; and such Rules, Orders, Bye Laws, and Regulations shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to the Provisions of this Act; and all Persons so as aforesaid coming and resorting to the said Market and Buildings are hereby required to observe and keep such Rules, Orders, Bye Laws, and Regulations, under such Penalties and Forfeitures respectively as shall be ascertained and set down as aforesaid; and all such Rules, Orders, Bye Laws, and Regulations shall be signed by any One of the said Directors, and shall be painted on Boards, which shall be put up or affixed in some conspicuous Place in the said Market, and shall from Time to Time be renewed and replaced when and as often as the same shall be altered, obliterated or defaced; but no Rule, Order, Bye Law, or Regulation shall have

have any Force or Effect until Twenty-one Days next after the same shall have been affixed as aforesaid; and the said Rules, Orders, Bye Laws, and Regulations, and any Alteration thereof, shall be subject to appeal in manner herein-after mentioned; and no such Rules, Orders, and Bye Laws shall be of any Force or Effect until the same shall have been submitted to and approved of by One of the Judges of Assize, or of the Chairman of the Court of Quarter Sessions to be held for the said County of *Stafford*; and any Justice of the Peace before whom any Person offending against any such Rules, Orders, and Bye Laws may be brought or summoned shall have the Power of convicting for the Whole or any Part of the Penalty imposed by such Rules, Orders, and Bye Laws, as such Justice may in his Discretion think proper, any thing in this Act, or in such Rules, Orders, and Bye Laws, to the contrary thereof notwithstanding.

Waggons, Carts, Packages, Fruit, &c., placed on Footpaths, &c., may be seized.

LX. And be it further enacted, That from and after the opening of the said Market, if any Person or Persons shall put, place, or leave any Waggon, Cart, or other Carriage, Stand, Stall, Stall-board, Form, Wheelbarrow, Handbarrow, Cask, Basket, Package, Hamper, or other Commodity, Article, Matter, or Thing whatsoever, in, upon, or over any of the Footpaths, Gangways, or Passages of or in the said Market, and shall not immediately remove and take away the same when required so to do by the said Company or their Directors, or their Tenant or Tenants, or any of their Agents or Servants (whether the said Market shall be let or not), and continue and keep the same so removed, or shall leave any empty or unladen Waggon, or empty or unladen Cart or other Carriage, empty Basket, empty Hamper, or empty Packing-case of any Kind, upon any of the Stands in the said Market Place or Market Places, or shall place, pitch, or expose for Sale, sell or leave, any Commodity, Article, Matter, or Thing, or place or put or leave any Waggon, Cart, or other Carriage, Bulk, Basket, Package, Hamper, or other Thing in, upon, or over any Part of the said Market Place or Market Places, contrary to the Provisions herein contained, or any Bye Law, Rule, or Regulation made in pursuance of this Act; or shall refuse to remove any Waggon, Cart, or other Carriage, Commodity, Article, Matter, or Thing, when required so to do, as herein-before mentioned, it shall be lawful for the said Company or their Directors, or their Tenants, or any of their Agents or Servants, to seize, and for any Person whomsoever to be aiding and assisting in seizing, any such Waggon, Cart, or other Carriage, Bulk, Stand, Stall, Stall-board, Form, Wheelbarrow, Handbarrow, Barrow, Cask, Basket, Package, Hamper, or other Commodity, Article, Matter, or Thing, together with the Horse or Horses to any such Waggon, Cart, or other Carriage belonging, and the Harness, Gears, and Accoutrements thereof, and to cause the same to be removed to some convenient and proper Place or Places, affixing a written or printed Notice, within One Hour after such Seizure, upon some conspicuous Place within the said Market Place where the same shall be seized, of the Place to which the Article so seized shall be removed; and the same shall be there kept and detained until the Costs, Charges, and Expences of removing and keeping the same, and of keeping such Horse or Horses (if any), shall be paid; and in

case the same shall not be claimed, and the said Costs, Charges, and Expences paid, within Seven Days next after such Removal thereof, it shall be lawful for the said Company or their Directors, or their Tenants, or other Person or Persons acting under their Authority, (having affixed in some conspicuous Part of the said Market Place One Day's previous Notice of their Intention so to do,) to cause the Articles so seized as aforesaid to be sold for the best Price that can be got for the same; and the Overplus (if any) which shall remain, after satisfying the Costs, Charges, and Expences of and attending such Seizure, Removal, Keeping, and Sale, shall be paid to the Owner, on Demand.

For punishing Persons guilty of Pound Breach.

LXI. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Ass, Sheep, Cattle, Swine, or other Beast which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where or in which the same shall be so impounded, or shall pull down, break, damage, or destroy the said Pound or Place, or any Part thereof, or any Lock, Bolt, or other Fastening belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Cattle, Swine, or other Beast so seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of Her Majesty's Justices of the Peace for the said County of *Stafford*, either upon the Confession of the Party offending, or upon the Oath of One credible Witness, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Penalty for selling other Goods than those authorized to be sold, or at other Times, or in other Places.

LXII. And be it further enacted, That if any Person (not being a Lessee authorized so to do, his Executors, Administrators, or Assigns,) shall sell or expose for Sale in the said Market any Article or Thing at any other Time or in any other Part of the said Market than that appointed by the said Company or their Directors for the Sale of such Article or Thing, every Person so offending shall for every such Offence, on Conviction before One or more Justices of the Peace for the said County, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for injuring Buildings.

LXIII. And be it further enacted, That if any Person shall take away, remove, destroy, deface, injure, or pull up any Erection, Building, Fountain, Cistern, Well, Fence, Pier, Pillar, Post, Rail-Pump, Pipe, or Pavement, or wilfully break or injure any Lamp or Window in the said Market or other Erections, or any Board, Notice, or Inscription, fixed or put up therein by the Order of the said Company, for giving Publiicty to the Rules, Orders, and Bye Laws to be made in pursuance of this Act, every Person so offending shall forfeit and pay to the said Company for every such Offence such Sum of Money not exceeding Forty Shillings, as any Justice of the

Peace for the said County of *Stafford* shall in that Behalf direct, and also such further Sum of Money, as a Compensation for the Damage and Costs which shall have been occasioned by such Offence, as such Justice of the Peace shall in that Behalf award.

No Fat to be melted in the Market.

LXIV. Provided always, and be it further enacted, That no Fat or other Substance shall be melted in the said Market, or in any of the Buildings or Appurtenances thereunto belonging, so as to cause any Nuisance or Annoyance to any of the Tenants of the said Market, or to any Person living in the Neighbourhood thereof; and every Person who shall melt, or cause any such Fat or other Substance to be melted, contrary to the true Intent and Meaning of this Act, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

For Recovery of Fines and Penalties.

LXV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by or in pursuance of this Act (the Manner of levying and recovering whereof is not otherwise herein particularly directed), or which shall be inflicted or imposed by any Rule, Order, or Bye Law as aforesaid, shall and may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One or more Justice or Justices of the Peace for the said County of *Stafford*, on Complaint to him or them for that Purpose exhibited, and afterwards levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon any Witness or Witnesses, and to examine him, her, or them upon Oath, of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so to be levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods and Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Fines, Penalties, Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, either by tho Confession of the Offender or Offenders, or otherwise, that he, she, or

or they hath or have not sufficient Goods and Chattels whereon such Fines, Penalties, and Forfeitures, Costs and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for the said Justice or Justices, or any other Justice or Justices of the Peace for the said County, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol for the said County of *Stafford*, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and the Monies arising by such Fines, Penalties, and Forfeitures, when paid or levied, if not directed to be otherwise applied by this Act, shall be paid, one Moiety thereof to the Informer or Person suing for or recovering the same, and the other Moiety thereof to the Treasurer for the Time being acting in pursuance of this Act, to be applied and disposed of for the Purposes of this Act.

For securing transient Offenders.

LXVI. And be it further enacted, That it shall and may be lawful for the said Company, or their Collectors or other Officers respectively, and such Person or Persons as they or any of them shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Collectors or other Officers) who shall commit any such Offence or Offences against this Act or any of the Provisions thereof, or against any Rule, Order, or Bye Law to be made in pursuance thereof, and to take him, her, or them before any Justice or Justices of the Peace for the said County of *Stafford*; and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Justices may proceed by Summons for the Recovery of Penalties.

LXVII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence, whether the Party offending appear or not, to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Convictions to be drawn in the following Form:

LXVIII. And be it further enacted, That in all Cases where any Person or Persons shall be convicted of any Offence against this Act or the Provisions thereof, or against any Bye Law to be made as aforesaid,

atoresaid, or any Matter in pursuance thereof, the Conviction shall be in the Form or to the Effect following; (that is to say,)

Form of Conviction.

'
' to wit. } BE it remembered, That on the Day of
' in the Year of the Reign of Her Majesty
' Queen *Victoria*, *A.B.* is convicted before me [*or* us, *naming the*
' *Justice or Justices,*] [*or* more] of Her Majesty's Justices of the
' Peace for the County of *Stafford*, of having [*here set forth the*
' *Offence*], contrary to the Statute made, [*or* contrary to the Bye
' Laws duly made in pursuance of the Statute made] in the Third
' Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here*
' *insert the Title of this Act*], and I [*or* we] the Justice [*or* Justices]
' aforesaid do adjudge and determine the said *A.B.* for the said
' Offence to forfeit and pay the Sum of and the further
' Sum of for Costs, and do order the same to be
' forthwith paid into my [*or* our] Hands, one Moiety thereof for the
' Use of the *Tunstall* Market Company, incorporated under the said
' Act, for the Purposes thereof, and the other Moiety thereof to the
' Use of *C.D.* [*naming the Informant*]. Given under my Hand and
' Seal [*or* our Hands and Seals] the Day and Year first above
' written.'

Proceedings not to be quashed for Want of Form.

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

For compelling Witnesses to attend.

LXX. And be it further enacted, That if any Person shall be summoned as a Witness before any Justice or Justices of the Peace as aforesaid, touching any Matter or Fact contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs and Expences, or appearing shall refuse to be examined upon Oath, or in case of a Quaker on solemn Affirmation, and to give Evidence before such Justice, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in the same Manner as any Penalty imposed by this Act is recoverable.

Declaring what shall be good Service of Notice on the Company.

LXXI. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity upon the said Company, personal Service thereof upon the Secretary or Clerk of the said Company, or leaving the same at the Office of the said Company, or of the Secretary or Clerk, or delivering the same at such Office of the Company, or at the last or usual Place of Abode of such Secretary or Clerk, or in case the same respectively shall not be found or known, then personal Service thereof

thereof upon any other Agent of or Officer employed by the said Company, or on any One Director of the said Company, or delivering the same at the last or usual Place of Abode of such Agent, Officer, or Director, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring what shall be good Service of Notice by theCompany.

LXXII. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon the Clerk or other Officer of such Corporation, or delivering the same at the last or usual Place of Abode of such Person, or of such Clerk or other Officer of such Corporation, or at the Office of such Clerk or other Officer, or in case such Clerk or Officer, or his Residence, cannot be conveniently found or known, then personal Service upon any Member or Agent of such Corporation, or delivering the same at the last or usual Place of Abode of such Member or Agent, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, may be signed by One Director, or by the Secretary or Clerk of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print.

How Debts may be proved in Bankruptcy.

LXXIII. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent, the Secretary or Clerk or Treasurer of the said Company for the Time being may do all the same Acts, and have and exercise all the same Powers and Privileges, as to the Establishment or Proof of Debts, voting in Choice of Assignee or Assignees, according to Compositions and Discharges, and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person, being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

Plaintiff not to recover after Tender of Amends.

LXXIV. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if sufficient Tender of Satisfaction shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action shall be brought; and in case on Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before such Issue joined, to pay into Court such Sum of Money as he shall think fit; whereupon such Proceedings, Order, and Judgments shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

LXXV. And

Directors not personally answerable for Acts legally done as Directors.

LXXV. And be it further enacted, That none of the Directors of the said Undertaking hereby appointed, or hereafter to be appointed under the Authority of this Act, shall, by reason or means, or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument, for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued or prosecuted, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere; and that the Bodies, Goods, Lands, or Tenements of the said Directors, or any of them, shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into or made, signed or executed by them, or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, distressed, or adjudged; but that in every Case any Person making any Claim or Demand upon the said Company, or upon any Directors thereof, under or by virtue of any such Contract or Instrument or other lawful Act, may sue the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done by the said Company.

For the Indemnity of Directors.

LXXXVI. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them; and they shall be so indemnified out of the Assets for the Time being of the said Company, and if necessary by Calls for that Purpose of the Capital which may remain unpaid; and the Directors for the Time being of the said Company shall apply the then existing Funds, Assets, and Capital of the said Company for the Purposes of such Indemnity and Reimbursement.

Damages and Charges, in case of Dispute, to be settled by a Justice.

LXXVII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Justice of the Peace for the said County of *Stafford*; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in Cases of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justice by or before whom any Offender shall be convicted of such Offence, and such Justice is hereby authorized and required to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalty or Forfeiture.

LXXVIII. And

In case of Nonpayment of Compensation for Damages, &c., the same to be levied by Distress of the Goods of the Company.

LXXVIII. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Kind soever done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Party entitled to receive the same within Seven Days after Demand in Writing shall have been made upon the said Company, in pursuance of the Direction or Order made by such Justice, in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels belonging to the said Company, or to the said Treasurer, by virtue of this Act, under a Warrant to be issued for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the Treasurer of the said Company, for the Use and Benefit of the said Company.

Providing for Deficiencies of Land Tax.

LXXIX. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Asssessments for Land Tax in the said Parish; be it therefore enacted, That the said Company shall, from and after they have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the said Market shall be completed and assessed to such Land Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good to or in aid of the said Parish as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish, by reason of taking down or using, for the Purposes of this Act, any Premises liable to such Assessments according to the Rental at which the same were valued or rented at the Time of the passing of this Act, and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Company empowered to lease Market Tolls.

LXXX. And be it further enacted, That it shall be lawful for the said Company at any of their General Meetings, by Writing, at any Time or Times, to let to farm the said Market or the Site thereof, and all or any of the Erections and Buildings to be erected and built thereon, or the Tolls, Stallage, Rents, and Duties hereby made payable, or any Part or Parts thereof respectively, unto any Persons for any Term or Time which they shall think proper; and every such Lease shall be valid and effectual, and the Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Tolls, Stallage, Rents, and Duties so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Tolls, Stallage,

Stallage, Rents, and Duties so let, but for the proper Use of such Lessees; provided that public Notice of the Intention to let the said Market, Erections, Buildings, Tolls, Stallage, Rents, and Duties shall be given in Writing by the said Directors, or by the Clerk of the said Company, by Advertisement in some Newspaper published in the County of *Stafford* at least One Calendar Month prior to any General Meeting at which the same are proposed to be let as aforesaid: Provided always, that the said Company shall be liable for all Acts and Deeds of the said Lessees in respect of this Act, the same as the said Company would have been liable if the said Market had not been let.

If Lease be made of the Market, the Lessee to have the same Powers, &c., as the Company.

LXXXI. Provided always, and be it further enacted, That such Lessee or Lessees, and his, her, and their Executors, Administrators, or Assigns, shall, during the Term of his, her, or their Lease, but subject to such Exceptions or Restrictions (if any) as may be expressly contained in any such Lease, have and enjoy the respective Rents, Stallages, Tolls, and Dues authorized to be taken by this Act, or by virtue of any Rule, Order, or Bye Law made in pursuance thereof, as the said Company would have been entitled to if such Lease had not been made, and shall also, during the Term of his or her Lease, have and enjoy all the Powers, Privileges, and Advantages, and be subject to all the Obligations in respect of the said Market and Buildings, or such Part thereof as shall be comprised in the said Lease, which the said Company would have had and enjoyed or been subject to, by virtue of this Act or otherwise, if such Lease had not been made.

Saving of the Rights of the Lord of the Manor of Tunstall Court.

LXXXII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord of the Manor of *Tunstall* otherwise *Tunstall Court*, his Heirs or Assigns, in or to the Royalties incident and belonging to the said Manor, or in or to the Waste Lands and Right of Soil there, but that the Lord or Lords of the said Manor for the Time being shall and may at all Times hereafter hold and enjoy the same, and all Rents, Courts, Fines, Perquisites and Profits of Courts, Mines, Services, Privileges, Forfeitures, and all other Royalties, Rights, and Appurtenances to the said Manor of *Tunstall* otherwise *Tunstall Court* incident or belonging, in as full, ample, extensive, and beneficial a Manner as he or they might have held and enjoyed the same in case this Act had not been passed.

Allowing an Appeal, &c.

LXXXIII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rule, Order, or Bye Law, or by any Determination or Judgment, or any other Matter or Thing to be made, given, or done by virtue or in pursuance of this Act, such Person or Persons, Body or Bodies Politic or Corporate, shall or may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the said County of *Stafford* within Four Calendar Months next after the Cause of Complaint shall have arisen, or, in case of any Rule, Order, or Bye Law, within Four Calendar Months after the Order of any Justice of the Peace for the said County adjudicating thereon, such Appellant having given or caused to be given Ten Days Notice at least in Writing of his,

his, her, or their Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk for the Time being acting in pursuance of this Act, and within Three Days next after such Notice entering or causing a Recognizance to be entered into before some Justice acting in and for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General or Quarter Sessions; and such Justice, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, and may mitigate any Fine, Penalty, or Forfeiture, and may order such Money to be returned which shall have been paid or levied in pursuance of any such Rule, Order, Bye Law, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured, as the said Justices shall think proper, and the Determination of such Justices at their said General or Quarter Sessions shall be binding and conclusive.

An Annual Abstract of Accounts to be made out, and a Copy thereof transmitted to the Clerk of the Peace of the County.

LXXXIV. And be it further enacted, That once in every Year an Abstract or Summary of the Accounts of the said Company shall be prepared by the Treasurer, or other Officer of the said Company as they shall appoint, showing the total Receipts and Expenditure of all the Funds received under the Authority of this Act, and a Statement of the Balance of such Accounts; and such Abstract or Summary of Accounts shall be audited by the Directors of the said Company, and signed by them, at some Meeting to be held under the Authority of this Act; and on or before the First Day of *January* in each Year the said Company shall cause a Copy of the said Abstract or Summary of Accounts to be transmitted, free of Charge, to the Clerk of the Peace for the Time being of the said County; and the said Abstract or Summary of Accounts shall at all seasonable Times be open to the Inspection of any Person who shall desire to see the same, upon Payment or Tender to the said Clerk of the Peace of the Sum of One Shilling for every such Inspection; and in case the said Clerk of the Peace shall refuse to permit or shall not permit any Person to inspect the said Abstract or Summary of Accounts, on Payment or Tender of the said Sum of One Shilling, he shall for every such Offence forfeit and pay the Sum of Five Pounds, to be levied, recovered, and applied in manner hereinbefore provided: Provided always, that if the said Company or their Directors shall refuse or neglect to cause such Abstract or Summary of the said Accounts to be prepared or to be transmitted to the said Clerk of the Peace as aforesaid, they shall for every such Offence forfeit and pay the Sum of Five Pounds to any Person who shall sue for the same, to be recovered, with Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Act declared Public.

LXXXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which the foregoing Act refers.

Tolls payable.

For every covered and uncovered Shed, Stall, Bulk, Block, Tressell, Standing-place, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other live or dead Victuals, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever (except as herein otherwise specifically charged), the following Tolls per Day shall be taken:—

Not exceeding Six Feet by Five Feet, Sixpence.
Not exceeding Nine Feet by Five Feet, Nine-pence.
Not exceeding Twelve Feet by Five Feet, One Shilling; and for every Three Feet above for Stations, only One Penny Halfpenny in addition.
On uncovered Stalls, the same Excess of Tolls for an Increase of Width beyond Five Feet, as in the Case of covered Stalls.

Carts.

For every Cart used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day:

If drawn by One Horse, Nine-pence; by Two Horses, One Shilling.
Waggons used for the like Purposes, One Shilling and Nine-pence per Day.

Butter.

For every Basket, Parcel, or Quantity of Butter, not exceeding Twelve Pounds Weight, One Penny per Day.

For each additional Six Pounds Weight, One Penny per Day.

Poultry and Pigs.

For Poultry, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, and Rabbits, videlicet:

Not exceeding Three Couple, One Penny per Day.
For each additional Three Couple, One Penny per Day.
For every Turkey, Goose, Hog, or Pig, One Penny per Day.

Eggs.

For every Basket, Parcel, or Quantity of Eggs under One Dozen, One Halfpenny.

For each additional Dozen One Halfpenny.

The Cattle Market.

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

For every Horse, Mare, or Gelding, Four-pence.
For every Colt or Filly, Two-pence.

For

For every Mule or Ass, One Penny.
For every Bull, Ox, Cow, Heifer, or Steer, Two-pence.
For every Calf, One Penny.
For every Score of Sheep or Lambs, Ten-pence.
For every Score of Pigs, Ten-pence.
For every Score of Sucking Pigs, Two-pence.
And so in proportion for any greater or smaller Number, and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

Weighing and measuring.

For weighing every Piece of Meat or Thing weighing not more than Twenty Pounds Avordupois, One Halfpenny.
For weighing every Piece of Meat or Thing weighing more than Twenty Pounds and not exceeding One hundred Pounds, One Penny.
And so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight.
For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel, One Halfpenny.
For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny.
And for every Bushel beyond Two Bushels, One Halfpenny.

Slaughter-house.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer, One Shilling.
For every Calf, Sixpence.
For every Sheep or Lamb, Three-pence.
For every Hog or Pig, Four-pence.
For any other Beast, One Shilling.

Weighing Machine.

For weighing any Cart, Waggon, or other Carriage not exceeding One Ton, Three-pence.
And so in proportion for any greater or smaller Weight than One Ton.

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads; (that is to say,)
Not containing more than One Bushel, One Penny.
Every additional Half Bushel, One Halfpenny.

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