ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xl.

An Act for providing a Town Hall and Market Place, and regulating the Markets, in the Town of *Upton-upon-Severn* in the County of *Worcester*. [23d *May* 1832.]

WHEREAS the Special and Petty Sessions of His Majesty's Justices of the Peace of the County of *Worcester* acting for the *Upton* Division of the said County have been usually held at the Town of *Upton-upon-Severn* in the said County: And whereas a Market for supplying the Inhabitants of the Town and Parish of *Upton-upon-Severn* aforesaid, and the adjacent Villages and Hamlets, with Meat, Poultry, Butter, Vegetables, and other Provisions, and for buying and selling Goods, Wares, and Merchandizes, hath been immemorially and still continues to be holden in the said Town on *Thursday* in every Week; and the said Markets, being held in the open Streets and on the Foot Pavements, are much exposed to the Weather, and are much obstructed, and rendered incommodious to the Inhabitants and the Public at large resorting to or passing into or through the same: And whereas it would be a great Convenience and Advantage to the Inhabitants of the said Town and Neighbourhood and to the Public if a Town Hall and Market Place were erected or provided within the said Town, and if good and sufficient Stalls, Standings, and other Accommodations were made or provided, instead of the Markets which are now held in the Streets of the said Town, and if proper Rules and Regulations were made and established for the good Government and Management of the said Markets,

but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Worcester*, together with *Joseph Armstrong*, *Samuel Beale*, *Thomas Beale*, *Thomas Bird*, *John Berkeley* the younger, *Samuel Blew*, *George Clarke*, *Richard Clarke*, *John Callow Clarke*, *Henry Cowley*, *John Cooper*, *Joseph Charlwood*, *John Davison* Clerk, *Thomas Davis*, *John Fletcher*, *Gabriel Goodman*, *Thomas Green*, *Benjamin Goolden Kent*, *Samuel Kent*, *John Clarke Kent*, Sir *Anthony Lechmere* Baronet, *Joseph John Martin*, *John Williams Martin*, *Moses New*, *William Rayer*, *George Rickards*, *Thomas Watkis Ross*, *James Skey*, *John Skey*, *George Sheward*, *Thomas Willis Walker*, and *John Walker*, and their Successors, being duly qualified as herein-after mentioned, shall be and they are hereby appointed Trustees for providing a Town Hall and Market Place, and regulating the Markets, in the Town of *Upton-upon-Severn*, and for carrying this Act into execution.

Trustees.

Power to appoint new Trustees upon Vacancies.

II. And be it further enacted, That when and so often as any of the Trustees herein named or to be elected by virtue of this Act shall die, or shall, by Bankruptcy, Insolvency, or any of the Causes herein-after mentioned, become otherwise disqualified, or shall refuse or for the Space of Twelve Calendar Months successively omit or neglect to act, or shall become incapable of acting in the said Trusts, it shall be lawful for the surviving and continuing Trustees, at a Meeting to be convened for this Purpose by Notice in the Manner herein-after mentioned, to elect another fit Person, being resident, or exercising or carrying on some Profession, Trade, Business, or Calling in the Town of *Upton-upon-Severn* aforesaid, or within the Distance of Five Miles from the said Market Place, to be a Trustee in the Room and Place of every Trustee so dying or becoming disqualified, or refusing, omitting, or neglecting to act, or becoming incapable of acting as aforesaid; and every Person who shall be elected a Trustee pursuant to the Directions of this Act shall have the same Powers and Authorities for putting this Act into execution in all respects as if he had been named a Trustee in or by this Act.

Qualification of Trustees.

III. And be it further enacted, That no Person (except His Majesty's Justices of the Peace acting for the County of *Worcester*) shall be capable of acting as a Trustee in the Execution of this Act, unless he shall at the Time of acting be seised or possessed, in his own Right or in Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tithes, or Hereditaments of an Estate of Inheritance, or for Life or Lives, or for any Term of Ninety-nine Years or upwards, either absolute or determinable on any Life or Lives, of the clear yearly Value of Fifty Pounds or upwards above Reprizes, or seised and possessed of Real and Personal Estate together of the Value of One thousand Pounds, or shall be Heir Apparent of a Person seised of Messuages, Lands, Tenements, Tithes, or Hereditaments of an Estate of Inheritance of the clear yearly Value of One hundred Pounds above Reprizes, nor unless he shall reside, or exercise or carry on some Profession, Trade, Business, or Calling, in the Town of *Upton-upon-Severn* aforesaid, or within

the Distance of Five Miles from the Market Place intended to be erected in pursuance of this Act, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed an Oath, or, being a Quaker, shall have made and subscribed an Affirmation, in the Words or to the Effect following; (that is to say,)

Oath of Trustees.

'I *A. B.* do swear, [*or, being One of the People called Quakers*, do solemnly declare and affirm,] That I am really and *bonâ fide* in my own Right [*or* in the Right of my Wife, *as the Case may be*,] now in the actual Possession or in Receipt and Enjoyment of the Rents and Profits of Messuages, Lands, Tenements, Tithes, or Hereditaments within the of an Estate of Inheritance [*or* for Life or Lives, *or* for a Term or Terms of Ninety-nine Years or upwards, either absolutely or determinable on a Life or Lives, *as the Case may be*,] of the clear yearly Value of Fifty Pounds above Reprizes and Incumbrances [*or* am Heir Apparent of a Person seised of Messuages, Lands, Tenements, Tithes, or Hereditaments of an Estate of Inheritance of the clear annual Value of One hundred Pounds above Reprizes, *or* am seised and possessed of Real and Personal Estate together, *as the Case may be*, of the full Value of One thousand Pounds, above the Payment of all my just Debts]; and that I will faithfully and impartially, according to the best of my Skill and Judgment, execute and perform all the Powers and Authorities reposed in me as a Trustee by virtue of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [*here set forth the Title of this Act*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

[*Or, being a Justice of the Peace, omit so much of the said Oath as relates to Qualification by Estate.*]

Trustees being interested, or holding Places of Profit, not to act.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act in any Case in which he shall be personally or beneficially interested in the Matter in question (except as herein-after mentioned), nor whilst he shall hold any Place or Employment of Profit, or shall be concerned or interested in any Contract or Contracts under the said Trustees or this Act, or who shall be a Lessee or Farmer of the Tolls or of any Part thereof under this Act; and if any Person shall act as a Trustee in the Execution of this Act, not being qualified as aforesaid, or being disqualified by any of the Causes herein-before mentioned, or not having taken and subscribed the Oath aforesaid, or, being a Quaker, not having made and subscribed the Affirmation aforesaid, every such Person so acting as aforesaid (except in administering the Oath or Affirmation to any other Trustee) shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or was not under any of the Disabilities to act herein mentioned (as the Case may require), and that he had subscribed an Oath or Affirmation according to the Directions of this Act, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff

or

or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; and no Person, being a Trustee for executing this Act, shall be capable of taking or entering into any Contract under this Act during the Time he shall be such Trustee: Provided always, that all Acts and Proceedings of any such unqualified or disqualified Person, acting as a Trustee in the Execution of this Act as aforesaid, previously to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act, or had not been under any of the Disabilities in this Act mentioned.

First Meeting of Trustees.

V. And be it further enacted, That the First Meeting of the Trustees for carrying this Act into execution shall be held at the *White Lion* Inn or at some other convenient Place in *Upton-upon-Severn* on the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon; at which Meeting, so soon as Three or more Persons shall have assembled, the Persons assembled shall proceed to elect a Chairman, and such Chairman shall take or make and subscribe, before the other of such Persons then present at such Meeting, or any Two of them, the Oath or Affirmation herein-before prescribed and required to be taken or made and subscribed; and after such Chairman shall have so taken or made and subscribed the same, it shall be lawful for such Chairman, and he is hereby required, to administer the Oath or Affirmation herein-before prescribed and required to be taken or made and subscribed to the other of such Persons present at such Meeting; and when such Chairman and any other Two or more of such Persons shall have so taken or made and subscribed such Oath or Affirmation, such Trustees, or any Three or more of them, shall and may proceed to carry the Powers of this Act into execution.

Meetings of the Trustees may be adjourned.

VI. And be it further enacted, That it shall be lawful for the said Trustees present at their First Meeting, or at any subsequent Meetings, for the Execution of this Act, from Time to Time to adjourn, and to appoint their next Meeting to be holden at any future Day and Time at the same or at such other convenient Place within the said Town, as the Trustees present at any such Meeting shall think proper; and if at any Meeting of the said Trustees the Trustees present shall omit or neglect to adjourn such Meeting to another Day, or if a sufficient Number of Trustees shall not appear to act and adjourn, then and in every such Case such Meeting or intended Meeting shall be and is hereby adjourned to that Day Fortnight, and shall be holden at the same Place and at the same Hour of the Day as the former Meeting was holden or intended to have been holden, and so from Time to Time until a sufficient Number of Trustees shall meet and adjourn, and the Trustees present at all such Meetings shall defray their own Expences (except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act).

Meetings on Emergencies.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall be thought necessary that they should meet on an earlier Day than the Day appointed by such Adjournment, in that Case it shall be lawful to and for any Two or more of the said Trustees (although not assembled at a Meeting) forthwith to give Notice of

of such earlier Meeting, mentioning the Time, Place, and Purpose of such Meeting, in the Manner herein-after directed respecting the Meetings of the Trustees (such Meeting not to be less than Three Days after such Notice), and every such earlier Meeting shall and may be held accordingly; and all Proceedings of the said Trustees at any such Meeting shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment.

Public Notice of Meetings to be given.

VIII. And be it further enacted, That in all Cases where public Notice is by this Act directed to be given, the same shall be printed or written in legible Characters, and affixed on each of the outer Doors of the Parish Church of *Upton-upon-Severn* aforesaid on some *Sunday* during the Hours of Divine Service, and upon a conspicuous Part of the Market Place in the Forenoon of some Market Day, or upon such other Places or Buildings as the said Trustees shall from Time to Time direct or appoint, at least Three Days before the Day of holding such Meeting, or doing or transacting any Business relative to which the Notice shall be given, or such other Notice thereof shall be given and published in such Manner as the said Trustees at their said First Meeting, or at any Annual Meeting to be held by virtue of this Act, shall order and direct.

Annual Meeting for settling Accounts.

IX. And be it further enacted, That the said Trustees shall meet on the First *Thursday* in the Month of *January* in every Year at the *White Lion* Inn in the said Town of *Upton-upon-Severn*, or such other Place or Places in the said Town as they shall think proper, which shall be called a General Annual Meeting of the said Trustees, and at all such General Annual Meetings the Accounts of all Monies received and paid from Time to Time by virtue and in execution of this Act, by any Person or Persons whomsoever, shall be produced, stated, examined, and settled.

Regulating Proceedings of the Trustees.

X. And be it further enacted, That at all Meetings of the said Trustees Three Trustees shall constitute a Meeting competent to execute the Powers of this Act, and all the Powers and Authorities by this Act granted to or vested in the said Trustees shall and may from Time to Time be exercised by the major Part of them present at any such Meeting to be holden in pursuance of this Act; and at every such Meeting One of the Trustees present shall be elected to preside as Chairman, and all Questions shall be decided by a Majority of Votes of the Trustees present, and the Chairman shall have, as well an original Vote in the Proceedings of such Meeting, as also (in case of an Equality of Votes upon any Question) an additional or casting Vote; and all Acts, Orders, and Proceedings of the said Trustees shall be entered in the Books of Proceedings, and the Chairman of every such Meeting shall subscribe his Name at the End of the Proceedings at every such Meeting (except Entries of Adjournments, which may be signed by the Clerk or Clerks to the said Trustees), and it shall be lawful for the Chairman of any Meeting of the said Trustees to administer the Oath or Affirmation by this Act directed to be taken or made and subscribed by Trustees; and no Acts or Orders of the said Trustees shall be in Law valid, or deemed to be made by the Trustees under this Act, unless the same shall be made at a Meeting of the said Trustees held according to the Provisions of this Act, and signed by the Chairman as herein-before mentioned; and no Rule, Order, or

How Orders may be revoked.

Determination made by the said Trustees at any of their Meetings shall be revoked or altered at any subsequent Meeting, unless Notice of such intended Revocation or Alteration shall have been given at a previous Meeting, and entered in the Book of Proceedings of such Meeting, nor unless Notice of the Time, Place, and Purpose of the Meeting at which any such Revocation or Alteration is intended to be made shall have been given in the Manner herein-before directed respecting the Meetings of the Trustees, and shall also have been delivered to or left at the usual Place of Abode of each of the surviving or continuing Trustees who concurred in making such Rule, Order, or Determination, if any such there be.

Proceedings to be entered in a Book.

and the same, or Copies thereof, to be admitted as Evidence.

XI. And be it further enacted, That the said Trustees shall from Time to Time cause to be provided proper Books for entering all their Acts, Orders, and Proceedings, and for registering all Mortgages and Assignments thereof, and shall cause fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of the Trustees who shall be present at the respective Meetings; and all such Books, and the Entries therein, being signed by the Chairman as herein-before mentioned, shall be deemed and taken to be Originals, and the same or true Copies thereof shall be admitted to be read in Evidence in all Courts whatsoever, and by and before all Judges and Justices and others, in all Causes, Suits, Actions, and Proceedings touching any thing to be done in pursuance or under the Authority of this Act, and the said Book and Books shall be open to the Inspection of the said Trustees, or any of them, at all seasonable Times, without Fee or Reward.

Committees may be appointed.

XII. And be it further enacted, That it shall be lawful for the said Trustees to nominate and appoint One or more Committee or Committees (every such Committee to consist of Three or more Persons) out of the said Trustees, to investigate, transact, and manage particular Departments of Business, and such Committee or Committees shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever which the said Trustees shall from Time to Time entrust to the Management of such Committees; and such Committees shall meet at such Times and Places within the said Town as they shall think proper; and all Powers which shall be vested in the said Committees shall be exercised by the major Part present at their respective Meetings; and such Committees shall from Time to Time make Reports of their Proceedings to the said Trustees; and the Acts of the said Committees shall not be valid unless the same shall be adopted, ratified, and confirmed by the said Trustees at some or One of their Meetings to be held under or by virtue of this Act.

Officers to be appointed.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, at their First or any subsequent Meeting, as Occasion shall require, by Writing, signed by the Chairman for the Time being, entered in the said Book or Books of Proceedings, to nominate and appoint a Clerk, Treasurer, Inspector, and Collector, and also to appoint and employ such other Officers and Persons as the said Trustees shall think proper, and from Time to Time to remove and displace all or any of such Officers and Persons as they shall see Occasion, and to elect and appoint others in the Room or Place of such of them as shall be so

removed, or shall die, or resign their Offices, Three Days public Notice of the Time and Place of the Meeting for the Purpose of every such Appointment or Removal being given as herein-before mentioned; and the said Trustees may, out of the Monies to be raised or received by virtue of this Act, pay and make to every such Clerk, Inspector, Collector, and other Officer and Person to be employed as aforesaid, such Salary and Allowance for his Attendance, Care, and Service as to the said Trustees shall appear reasonable and proper; and the said Trustees shall and they are hereby required to take sufficient Security from every such Treasurer for the faithful Execution of his Office, and shall or may, if they think proper, also require and take such Security from any such Collector and other Officer to be appointed under or by virtue of this Act, for the due Execution of their Offices, and for the Payment of the Money received by them respectively, and for delivering up all Books, Deeds, Papers, and other Things which shall come into their respective Hands by virtue of this Act, as the said Trustees shall think necessary.

Treasurer to give Security.

XIV. And be it further enacted, That every such Clerk, Treasurer, Collector, or other Officer or Person to be appointed by virtue of this Act, or who shall be employed in the Execution thereof, shall, as often as required by the said Trustees, render and give to them full, true, and just Accounts in Writing under his Hand of all Money which shall have been by him collected, received, and paid by virtue or for the Purposes of this Act, and from and to whom and for what Purpose such Monies and every Part thereof shall have been received and paid, together with the proper Receipts and Vouchers for such Payments, and shall pay all such Monies as upon the Balance of such Accounts shall remain in his Hands to the said Trustees, or to such Person and at such Time as they shall direct; and if any such Officer or Person shall refuse or neglect to render or give such Account, or to produce or deliver up the Receipts and Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, signed by the Chairman at any Meeting of the said Trustees, and given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, and if Complaint shall be made thereof by or on behalf of the said Trustees to any Justice of the Peace for the said County of *Worcester*, such Justice is hereby authorized and required to summon such Officer or Person to appear before him, or before any other Justice of the Peace for the said County of *Worcester*, at a Time and Place in such Summons to be mentioned, and upon his appearing or not appearing (the Service of such Summons, by Delivery to him personally, or leaving it at his last or usual Place of Abode, being proved by the Oath of any credible Witness, which Oath such Justice is hereby empowered to administer,) to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Accounts, if produced, in the same Manner as the said Trustees and such Officer or other Person might have done; and if upon the Confession of the Party, or by the Testimony of One credible Witness upon Oath, (which Oath such Justice is hereby empowered to administer,) it shall appear to such Justice that any of the Money which shall have been collected and received by virtue or for the Purposes of this Act shall be in the Hands of

Officers to account.

of such Officer or Person, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the Costs and Charges of such Distress and Sale, to be settled and ascertained by such Justice, (and which he is hereby authorized and empowered to settle and ascertain,) rendering the Overplus (if any), upon Demand, to the Officer or Person whose Goods and Chattels shall have been so taken and distrained, or leaving the same at the Place where the Distress shall be made; and if sufficient Goods or Chattels of such Officer or Person cannot be found to satisfy the said Monies, and Charges of levying the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place by him appointed in such Summons, or, if appearing, shall refuse or neglect to render and give to the said Justice such Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Receipts and Vouchers relating thereto, and all Books, Papers, or Writings relating to the Execution of this Act, which shall be in the Custody or Power of such Officer or other Person, then and in any or either of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of and for the said County of *Worcester*, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his Accounts, and shall have produced and delivered up to the said Trustees, or to such Person as they shall appoint, all the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his Hands, and the reasonable Charges attending the Recovery thereof, or shall have compounded with the said Trustees for the same, and have paid such Composition Money in such Manner as they shall appoint, (and which Composition and Monies the said Trustees are hereby empowered to make and receive,) or until he or they shall deliver up all such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees as aforesaid; but no such Officer or other Person who shall be committed for Default of Distress only shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer or Person, and his Surety or Sureties, shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

Clerk not to act as Treasurer, and vice versâ.

XV. And be it further enacted, That it shall not be lawful for the said Trustees 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 toappoint 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 any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; 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

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 any 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, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

For Punishment of Officers exacting Fees, &c.

XVI. And be it further enacted, That if any Collector or other Officer or Person to be employed by the said Trustees for any of the Purposes of this Act shall exact, demand, or receive, from any Person whomsoever, any Fees, Emoluments, or other Perquisites, in the Execution of the Duties of his Office, (other than the Salary, Wages, or Emoluments allowed to him by the said Trustees,) every such Officer shall repay the Sum or Sums so unlawfully received to the Person or Persons who shall have paid the same, and shall besides forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty for assaulting Collectors.

XVII. And be it further enacted, That in case any Person or Persons shall assault, hinder, or obstruct any Inspector, Collector, or other Officer of the said Trustees, or any other Person employed by them, in the Execution of his or their Office or Offices, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may sue and be sued in the Name of the Clerk, &c.

XVIII. And be it further enacted, That the said Trustees may sue and prosecute and be sued and prosecuted for and concerning any thing which shall be done by virtue or in pursuance of or relating to this Act, in the Name of the Clerk or of any One Trustee for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of such Clerk or Trustee, shall abate or be discontinued by the Death, Resignation, or Removal of any such Clerk or Trustee, nor by the Act of any such Clerk or Trustee without the Consent of the said Trustees at a Meeting held in pursuance of this Act, but shall be continued and carried on in the same Name, notwithstanding such Death, Resignation, Removal, or Default of such Clerk or Trustee, and such Clerk or Trustee shall be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Clerk or Trustee in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid, out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences as by the Event or in consequence of any such Action or Proceedings he shall bear, pay, expend, or be put

Clerk, &c. to be indemnified.

unto, or become chargeable with, for or by reason of his being so made Plaintiff or Defendant as aforesaid: Provided also, that such Clerk or Trustee shall not, by reason of his being so made Plaintiff or Defendant, be deemed an inadmissible Witness in any such Action or Suit, unless it be on his own personal Account.

Accounts to be kept of Receipts and Disbursements.

XIX. And be it further enacted, That the said Trustees shall and they are hereby required to order and direct a Book or Books to be from Time to Time and at all Times provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Rents, Tolls, and Duties hereby granted, without Fee or Reward; and the said Trustees and Creditors and Persons, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case any such Clerk shall, on any reasonable Demand, refuse to permit or shall not permit any of the said Trustees or Creditors or Persons to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, every such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and applied as herein-after mentioned.

Power to purchase Houses and Lands.

XX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to purchase and take and use, for the Purposes of this Act, the Messuage or Dwelling House, Workshops, Outbuildings, Yard, Garden, and Appurtenances mentioned or referred to in the Schedule to this Act annexed marked (A.), or such Part or Parts thereof as they the said Trustees shall think necessary and proper to be taken and used for the Purposes of this Act.

Form of Conveyance to the Trustees.

XXI. And be it further enacted, That all Conveyances and Assurances of any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased as aforesaid shall be made in the Form or to the Effect following; (that is to say,)

'I [*or* We] in consideration of the Sum of Pounds of lawful *British* Money to me [*or* us] paid by the Trustees acting under or by virtue of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [*here insert the Title of this Act*], do hereby grant and convey to the said Trustees for the Time being all [*here describe the Premises to be conveyed*], and all my [*or* our] Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Trustees and their Successors from henceforth for ever. In witness whereof I [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals], this Day of in the Year of our Lord .'

And every such Sale, Conveyance, and Assurance, when so made, shall be good, valid, and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Power to erect a Town Hall, Market Place, &c.

XXII. And be it further enacted, That it shall be lawful for the said Trustees to take down or alter all or any of the Messuages or Buildings which shall be purchased for the Purposes of this Act, as herein-before mentioned, or any Part or Parts thereof respectively, and to appropriate all or any of the Ground or Sites thereof respectively, and also all or any of the Land or Ground so to be purchased as aforesaid, for all or any of the Purposes of this Act, and to make, erect, and build thereon a Town Hall and Market Place, with proper and sufficient Offices, Buildings, Stalls, Standings, Shambles, and other Conveniences for the Sale of Meat, Fish, Poultry, Eggs, Butter, Vegetables, Fruit, and other Provisions, and for buying and selling all or any such Goods, Wares, Merchandize, Commodities, Articles, or Things as are usually sold in public Markets, and which shall be brought there to be sold or disposed of, and for the Accommodation of the Public and all Persons attending or resorting to the same Market; and also to make convenient Avenues leading to the said Market, and all necessary Sewers and Drains from the said Market through or under any of the Streets of the said Town, and also to do and perform all such other Acts, Matters, and Things necessary for the making, preserving, maintaining, and using the said Town Hall, Market Place, Buildings, Erections, and Things, according to the true Intent and Meaning of this Act.

Compensation to be made for Damage done in pulling down Houses, &c.

XXIII. Provided always, and be it further enacted, That in case any Messuages or Buildings, Lands, Tenements, or Hereditaments shall be damaged or injured by or in taking down the Messuages or any of the Buildings to be taken down for the Purposes of or otherwise in the Execution of this Act, the said Trustees shall and they are hereby authorized and required, by and out of the Money to arise by virtue of this Act, to make to the Owners and Occupiers of such Messuages and Buildings, Lands, Tenements, and Hereditaments, so damaged or injured, such Compensation and Satisfaction for such Damage or Injury as the said Trustees shall in their Judgment think reasonable, by Payment of a Sum of Money in gross; and in case the Owners or Occupiers shall think the Satisfaction offered to them by the said Trustees not sufficient, then the same shall be ascertained and settled by a Jury, or in case the Value or Amount of the Damages claimed or to be claimed shall be less than Twenty Pounds, then by any Justice of the Peace as herein-after mentioned.

Houses, &c. not to be injured without Consent.

XXIV. And be it further enacted, That nothing herein contained shall authorize or empower the said Trustees, or any Person or Persons acting by or under their Authority, to enter, take, use, injure, or damage, in the Exercise of any of the Powers herein contained, any Houses, Buildings, or Land whatsoever, without the Consent of the Owner thereof for the Time being first had and obtained in Writing for that Purpose (save and except such as are mentioned and described in the Schedule to this Act annexed marked (A.).

Power to take Houses, &c. limited to Three Years.

XXV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, after the Expiration of Three Years from the Day of the passing of this Act, to take and use any Houses or other Buildings mentioned in the Schedule to this Act annexed marked (A.), which shall not have been taken and used or purchased under the Powers and Authorities of this Act within the said Period of Three Years,

Years, excetpt with the Consent in Writing of the Owners or Proprietors thereof, any thing herein contained to the contrary notwithstanding.

Notice to be given when new Market Place is ready to be opened.

XXVI. And be it further enacted, That when the said new Market Place shall be built, appropriated, and set apart and ready to be opened for public Use, the said Trustees shall and they are hereby required, by a printed Hand Bill or Advertisement, signed by the Clerk for the Time being acting in pursuance of this Act, to be circulated in the Town and Neighbourhood of *Upton-upon-Severn* aforesaid, to give One Calendar Month's Notice of such Market Place having been so built, appropriated, and set apart, and ready to be opened for public Use, previous to the Day on which such Market Place shall be so opened.

Power to hold Market in new Market Place, and to take Tolls.

XXVII. And be it further enacted, That from Time to Time, and at all Times after the Expiration of One Calendar Month from the Day on which such Notice shall have been first published, it shall and may be lawful for the said Trustees to hold and keep an open and public Market in and upon the Space of Ground herein mentioned, and in and upon any Additions thereto to be hereafter purchased or acquired by virtue and for the Purposes of this Act, when and so soon as the same shall be so purchased or acquired, for supplying the Inhabitants of the said Town and Neighbourhood with Meat, Fish, Poultry, Eggs, Butter, Vegetables, Fruit, and other Provisions, and for buying and selling all or any such Goods, Wares, and Merchandize as aforesaid, on *Thursday* in every Week, and also, by themselves, or their Collectors, Farmers, Officers, or Servants, to ask, demand, recover, receive, and take, of and from all and every Persons and Person exposing or offering for Sale or selling any Provisions, Goods, Wares, or Merchandize in the Markets aforesaid, or who shall rent, hire, or use any Stall or Standing Place in the said Market, the several Tolls, Duties, Stallage, Rents, Sum or Sums of Money, which shall at any Time or from Time to Time be fixed and appointed by the said Trustees to be paid for the same, not exceeding the several Tolls, Duties, Stallage, Rents, or Sum or Sums of Money mentioned and specified in the Schedule to this Act annexed marked (B.), any Charter, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

List of Tolls, &c. to be affixed in conspicuous Places.

XXVIII. Provided always, and be it further enacted, That the said Trustees shall from Time to Time cause to be painted on Boards, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, upon a conspicuous Place or conspicuous Places in the said Market Place, in large and legible Characters, an Account or List of the several Tolls, Duties, Rents, and Stallage which the said Trustees shall from Time to Time direct and appoint to be taken, and of the Price or Prices, Sum and Sums of Money so allowed to be taken from every Person liable to the Payment of the same or any Part thereof respectively.

Discontinuance of the present Market.

XXIX. And be it further enacted, That when and so soon as the said new Market Place shall be opened for public Use after the Expiration of One Calendar Month from the Time of giving such Notice as aforesaid, the Market for the Sale of Meat, Fish, Poultry, Eggs, Butter, Vegetables, Fruit, and other Provisions, and for buying and selling Goods, Wares,

Wares, and Merchandize, now held in the open Streets and on the Foot Pavements in the said Town, shall be removed to and holden in the said new Market Place; and if any Person or Persons shall thereafter, on any succeeding Market Day, or any other Day, sell or expose to Sale within the said Town, except in the said new Market Place, and except as herein-after mentioned, any Meat, Fish, Poultry, Eggs, Butter, Vegetables, Fruit, or other Provisions, or any Goods, Wares, or Merchandize, every Person shall for every such Offence, on Conviction before One or more Justice or Justices of the Peace for the said County of *Worcester*, 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 Commodities, Goods, Wares, or Merchandize whatsoever in his or her own Dwelling House, or in his or her own Shop and Premises, in any Part of the said Town, in such Manner as they might have done before the passing of this Act; provided also, that nothing herein contained shall extend or be construed to extend to prevent or restrain any Person or Persons from crying or selling Fish, Vegetables, and other Articles from Door to Door within and through the said Town on *Monday*, *Tuesday*, *Wednesday*, *Friday*, and *Saturday* in every Week.

No Goods to be sold by Auction in the Streets.

XXX. Provided always, and be it further enacted, That no Person or Persons shall sell or cause to be sold by Auction or Outcry any Goods, Articles, or Things whatsoever in the public Streets of the said Town.

No manufactured Goods to be sold in the Market Place except on Market Days.

XXXI. And be it further enacted, That no Person or Persons shall, except on the said Market Day, or any Fair or Statute Fair Day, sell, offer, or expose for Sale in the said Market Place any manufactured Goods, Wares, or Merchandize whatsoever; and if any Person or Persons shall, except as aforesaid, so sell, offer, or expose for Sale any such Goods, Wares, or Merchandize, or shall sell or cause to be sold by Auction or Outcry any Goods, Articles, or Things in the public Streets of the said Town, every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every Day on which he or she shall so offend in either of the Cases aforesaid.

Power to let Stalls, &c

XXXII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered to let any of the Stalls, Standing Places, Shambles, or other Conveniences to be erected, built, made, or set up by them the said Trustees within the said Market Place, to any Person or Persons who shall or may be willing to take the same for a Year or any longer or shorter Period, the Rent for the same to be payable in advance, provided the Rent and Tolls to be taken for the same shall not in any Case exceed the Sum specified in the said Schedule to this Act annexed marked (B).

Power to lease Market Place, Tolls, &c.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, at any Time or Times and from Time to Time, to demise or let the said Market Place, and the Rents, Tolls, Stallage, Duties, Sum or Sums of Money to be collected or to arise from or in respect of the said Markets by virtue of this Act, to any Person or Persons who shall be willing to take and farm the same, by public Auction

or private Contract, for a Year or any longer or shorter Period, upon such Terms and Conditions, at such Rent or Rents, and with such Securities for the Payment of the same, as shall be agreed upon and settled by the said Trustees and the Person or Persons respectively to whom the same shall be let.

Remedies in Case of Non-payment of Rent, &c.

XXXIV. And be it further enacted, That in case the said Market Place, and the Rents, Tolls, Stallage, Duties, Sum or Sums of Money to be collected or to arise from or in respect of the said Markets or any Part thereof, by virtue of this Act, shall be demised or let to farm, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Lease or Agreement for the demising or letting thereof, then and in either of the said Cases it shall and may be lawful for any Justice of the Peace for the said County of *Worcester*, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of the said Market Place and every Part thereof, and to remove and put out such Lessee or Lessees, Farmer or Farmers, of the said Market Place, Rents, Tolls, Stallage, Duties, Sum and Sums of Money to be collected or to arise as aforesaid, from the Possession thereof, and from the Collection of such Rents, Tolls, Stallage, Duties, Sum and Sums of Money, and to put the said Trustees or any One of them, or their new-appointed Officer, or other Person acting by or under their Authority, into the Possession and Receipt thereof respectively; and thereupon it shall be lawful for the said Trustees, if they shall think fit, and shall give Notice in Writing of such their Intention, by or under the Hand of the Clerk or Treasurer for the Time being acting under this Act, to such Lessee or Lessees, Farmer or Farmers, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Markets, Rents, Tolls, Stallage, Duties, Sum and Sums of Money to such Lessee or Lessees, Farmer or Farmers, and then and from thenceforth the same Lease, Contract, or Agreement shall be utterly void, to all Intents and Purposes, save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other unperformed or broken Covenants or Agreements on the Lessee's Part, as if such Demise, Contract, or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case again to demise or let to farm the said Market Place, Rents, Tolls, Stallage, Duties, Sum or Sums of Money, to any other Person or Persons, or to cause them to be collected, as if no former Demise, Contract, or Agreement had been made relating thereto.

Recovery of Tolls by Distress in case of Nonpayment.

XXXV. And be it further enacted, That in case any Person or Persons renting, holding, or using, or in any Manner occupying, any of the said Buildings, Stalls, Standings, Shambles, or other Conveniences in the said Market Place, or who shall bring or place or expose or offer for Sale in the said Market any Provisions, Goods, Wares, or Merchandize whatsoever for or in respect of which any Rents, Tolls, Stallage, or Duties may be demanded or taken thereon, shall, upon Demand thereof

made by the Collector, Farmer, or other Person or Persons authorized to receive the said Rents, Tolls, Stallage, or Duties, neglect or refuse to pay, or shall wilfully evade the Payment of the said Rents, Tolls, Stallage, or Duties due in respect thereof by virtue of this Act, it shall be lawful for the said Trustees, or the Collector, or the Person to be appointed by them to receive such Tolls, to levy the same by Distress and Sale of all or any of the Goods, Articles, or Things so exposed to Sale, or other the Goods and Chattels of such Person or Persons so neglecting, refusing, or evading to pay as aforesaid, and the said Distress so to be taken to sell forthwith, rendering the Overplus (if any), after deducting the Expences attending such Distress and Sale, to the Owner, on Demand.

Settling Disputes concerning Tolls, &c.

XXXVI. And be it further enacted, That in case any Dispute shall arise concerning such Rents, Tolls, Stallage, or Duties, such Dispute shall be settled and determined by any Justice of the Peace, who shall by Warrant under his Hand and Seal summon the Parties to appear before him, and hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Costs to either Party, as to him shall seem proper, and by Warrant under his Hand and Seal cause the Money which shall be so awarded, and the Costs of such Warrant, to be immediately levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any) to the Owner, on Demand, after deducting the reasonable Charges of every such Distress and Sale.

Power to reduce Tolls.

XXXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time, if they shall see Occasion or think fit, (with the Consent and Approbation of the Person or Persons for the Time being entitled to Three Fourth Parts of the Money which shall be then due and owing upon the several Securities to be granted in pursuance of this Act,) to reduce, lower, and abate the said Tolls, Duties, Rents, and Stallage, or any of them, by this Act made payable, in such Proportions and Manner as to the said Trustees shall seem expedient; and after the same shall have been so reduced and abated it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time to augment and raise the said Tolls, Duties, Rents, and Stallage so reduced and abated to any Sums not exceeding the Amount thereof fixed and made payable in and by this Act; and the said Trustees shall immediately upon every such Reduction or Augmentation of the said Tolls, Duties, Rents, and Stallage, cause Notice thereof, painted on a Board, to be set up and fixed upon some public Part within the Limits of the said Market Place, with a Table of the Tolls, Duties, Rents, and Stallage so reduced, or augmented and raised.

Power to purchase Tolls, &c.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to treat and agree with the Person or Persons who for the Time being shall be Lord or Lords or Lady or Ladies of the Manor of *Upton-upon-Severn* aforesaid, for the Purchase of all and every or any of the Tolls, Duties, Piccage, Stallage, and other Rights and Privileges incident or belonging to him, her, or them in right or respect of the Markets now held in the said Town; and upon Payment of the Purchase-Money for the same to the Person or Persons respectively entitled thereto, or (as the Case shall be)

be) upon Payment thereof into the Bank of *England* as herein-after mentioned within Thirty Days, all such Tolls, Duties, Piccage, Stallage, Rights, and Privileges in respect of the Markets now held in the said Town shall cease and determine, and the Markets to be held in the Market Place to be erected and built in pursuance of this Act shall be free and open Markets for all Persons whomsoever, subject to the Regulations and Restrictions in this Act contained.

If Trustees cannot agree for the Purchase of Tolls, &c. the same to continue as heretofore.

XXXIX. Provided always, and be it further enacted, That in case the said Trustees shall not agree for the Purchase of such Tolls, Duties, Piccage, Stallage, and other Rights and Privileges, then the same shall be paid and payable in such and the like Manner as if the Markets were held in the same Places as they were held before the passing of this Act, or as the same would have been paid and payable if this Act had not been passed.

Bodies Politic and others may sell.

XL. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life or Years, in Fee Simple or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, Executors and Administrators, and other Trustees whatsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, and other Persons under any Disability of acting for themselves who are or shall be seised or interested in their own Right, and for all and every other Person or Persons whomsoever who now are or shall at any Time or Times hereafter be seised or possessed of or in any way interested in any Lands, Tenements, Tolls, or Hereditaments which shall be purchased for the Purposes of this Act, or which may be damaged or injured in the Execution thereof, to contract and agree, at any Time or Times and from Time to Time, with the said Trustees, for the absolute Sale thereof or any Part or Parts thereof, or for the Compensation to be made for any Damages or Injury as aforesaid, and to sell and convey any such Lands, Tenements, Tolls, and Hereditaments, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, unto the said Trustees, for the Purposes of this Act; and all Contracts, Bargains, Sales, Surrenders, Assignments, Conveyances and other Assurances which shall be made by virtue and in pursuance of the Provisions of this Act, shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Persons so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be considered and deemed to bar and shall bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate,

giate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life or Years, in Fee Simple or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, Executors and Administrators, and all other Persons whomsoever, are and shall be and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

Juries may assess Damages in certain Cases.

XLI. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, Spiritual or Lay, or any Tenant or Tenants for Life or Years, or in Fee Simple or Fee Tail, General or Special, or any Feoffees in Trust, Husbands, Guardians, Committees, or Trustees, or any other Owners, Proprietors, or Occupiers, or other Person or Persons whomsoever, either seised, possessed, or interested in his, her, or their own Right, or on the Behalf of any incapacitated Person or Persons seised, possessed, or interested of, in, or to any Messuages, Lands, Tenements, or Hereditaments which shall be required to be taken or used for the Purposes of this Act, or which shall be damaged or injured in the Execution of any of the Purposes of this Act, shall for the Space of One Calendar Month next after the Day on which Tender shall have been made by or on behalf of the said Trustees of any Money by way of Compensation for the Value of the Messuages, Lands, or Premises intended to be taken for the Purposes of this Act, or of Amends for any Damage or Injury occasioned in the Execution of any of the Powers of this Act, or if any Dispute or Difference shall arise touching the same, or the Amount of such Value or Compensation, then and in every such Case it shall be lawful for the said Trustees to cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Worcester*, (which Oaths the said Trustees or any One or more of them are or is hereby empowered to administer,) what will be the Value of or the Amount of Compensation to be paid for the Messuages, Lands, or Premises so intended to be taken, or what Damages or Injury have been or will be sustained by, and what Recompence and Satisfaction shall be made to the Owners, Proprietors, or Occupiers of the Messuages, Tenements, Hereditaments, and Premises so to be taken, damaged, or injured, or other the Person or Persons interested therein as aforesaid; and in order thereto the said Trustees, or any Five or more of them, are hereby authorized, empowered, and required from Time to Time to summon and call before the said Jury all Persons who shall be thought necessary and proper to be examined as Witnesses before the said Jury upon Oath, (which Oath the said Trustees, or any One or more of them, are or is hereby empowered to administer,) and they shall order and require the said Jury to view the Premises in question, and to use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have ascertained, awarded, and assessed such Value, Damages, and Recompence as aforesaid, they the said Trustees shall thereupon be liable to pay and shall pay the Sum or Sums of Money so ascertained, awarded, and assessed, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, Order and Determination, when so had and made, shall be binding and conclusive to all Intents and Purposes whatsoever against all Persons, as well absent as present, and whether claiming in Possession, Reversion, Remainder, or otherwise.

Juries to be sworn.

XLII. And be it further enacted, That each and every of the said Jury shall be sworn to ascertain and assess such Value, Recompence, and Satisfaction as aforesaid in the Form following, except so far as it may be necessary to change the same for the Purpose of describing the Matter or Thing, Matters or Things, for which the Recompence or Satisfaction is to be made, ascertained, or given:

'I *A. B.* do swear, [*or* affirm, *as the Case may be*,] That I will well and truly assess and inquire, without any Favour, Partiality, or Affection whatsoever, the Sum which ought to be paid for and in recompence of [*describing the Premises, or Cause of Damage or Injury or Dispute*,] under and by virtue of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], and that I will give a true Verdict according to the Evidence.

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

For summoning Juries.

XLIII. And be it further enacted, That for summoning and returning such Jury as aforesaid the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Five or more of them, to the High Sheriff of the County of *Worcester*, or if such Sheriff shall be interested in the Matter in question, then to One of the Coroners of the said County not so interested, thereby requiring such Sheriff or Coroner to impannel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place within the said Town of *Upton-upon-Severn* as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy, or such Coroner, is hereby required to summon, impannel, and return such Twenty-four Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of the Attendance of a sufficient Number of Jurymen, the said Sheriff or his Deputy, or the said Coroner, shall return other indifferent Men of the Standers-by, or who can be speedily procured to attend that Service, so that the Jury may amount to the Number of Twelve; and in case the Jury to be sworn as aforesaid shall return to the said Trustees that they cannot agree in their Verdict, the said Sheriff or his Deputy, or the said Coroner, is hereby authorized and required, upon receiving any other Warrant or Warrants from the said Trustees in that Behalf, signed as aforesaid, to impannel, summon, and return another Jury, in the Manner and for the Purposes aforesaid: Provided always, that all Persons concerned shall have their lawful Challenges against any of the said Jurymen, in the same Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is by Law entitled; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines upon the said Sheriff or his Deputy, or the said Coroner, making any Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and who shall not appear (without some sufficient Excuse), or, after having appeared, shall refuse to be sworn or affirmed on the said Jury, or, having been sworn or affirmed, shall refuse to give or shall not give a Verdict in the Matter in question,

or who shall in any other Manner wilfully neglect his or their Duty therein, and also upon any of the Persons who, being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear (without sufficient Excuse) after having been paid or tendered a reasonable Sum of Money for his or her Expences, or appearing shall refuse to be sworn or to affirm, or to be examined or give Evidence touching the same; but no such Fine shall exceed the Sum of Fifty Pounds on any such Sheriff, Deputy, or Coroner, or the Sum of Five Pounds upon any other Person, for One Offence.

Allowances to Sheriff and Jury.

XLIV. Provided always, and be it further enacted, That each and every Juryman who shall be sworn for the Purposes of this Act shall, for his Trouble and Expences in the Premises, be allowed the Sum of Ten Shillings and Sixpence for each Day's Attendance, and no more, notwithstanding such Juryman shall be sworn on several Inquiries and Assessments on the same Day; and the High Sheriff, for impannelling, summoning, and returning of each Jury, shall be allowed the Sum of One Pound and One Shilling, and no more; which said Allowance, in case of any Dispute or Difference, shall be settled and determined by any Two Justices of the Peace for the said County.

Costs of Juries.

XLV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered by or on the Behalf of the said Trustees, as a Recompence or Satisfaction for any such Messuages, Lands, Tenements, or Hereditaments, or for any such Damage or Injury as aforesaid, all the Costs and Expences to be incurred in taking such Inquisition, and the Attendance of Witnesses, and recording or entering the Verdict and Judgment thereon, shall be borne and paid, by or under an Order of the said Trustees or any Five or more of them, out of the Monies to arise by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Seven Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the Treasurer or Treasurers of the said Trustees, (unless such Treasurer or Treasurers shall pay such Costs and Expences out of any Monies received by him or them by virtue of this Act, which he or they is or are hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Trustees, as such Recompence or Satisfaction as aforesaid, the Costs and Expences to be incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat and agree as before mentioned, or with whom the said Trustees shall have had any Disagreement or Dispute concerning such Recompence or Satisfaction as aforesaid, and by the said Trustees; but

but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Trustees, the Costs and Expences so incurred shall be borne and paid by the said Trustees in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of such Costs and Expences, the same shall be settled and ascertained by any Justice of the Peace not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same; and where the Costs shall be payable by the Party or Parties having had such Disagreement or Dispute with the said Trustees as aforesaid, the Amount thereof, having been first paid as aforesaid; may be deducted by them out of the Monies awarded to be paid to such Party or Parties as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand after being so ascertained as aforesaid, the same may be recovered by the said Trustees from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

If Damages are less than 20*l.* the same to be settled by a Justice.

XLVI. And be it further enacted, That in case the Value or Amount of any Compensation to be made for any Damages or Injury from Time to Time claimed or to be claimed shall be alleged to amount to any Sum under Twenty Pounds, then such Value or Amount shall or may be ascertained and settled by any Justice of the Peace, and shall and may be levied and recovered by Warrant under the Hand and Seal of any such Justice, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justice, by Distress and Sale of the Goods and Chattels of the Treasurer to the said Trustees (unless such Treasurer shall pay and discharge the same within Fourteen Days next after the Day the same shall be ascertained and settled by such Justices as aforesaid, which he is hereby authorized and empowered to do out of any Monies received or to be received by him as such Treasurer as aforesaid.)

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

XLVII. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Lands, Tenements, Tolls, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or Years, or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, or if any Money shall be paid, or agreed or awarded to be paid, for Compensation for any Damages or Injury to be occasioned in the Execution of any of the Powers of this Act to any Houses, Buildings, Lands, Tenements, or Hereditaments belonging to any such Parties or Persons as aforesaid, all such Monies shall, in case the same respectively shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of

of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied, either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled. 1 G. 4. c. 35.

When less than 200*l.* and amounting to 20*l.*

XLVIII. Provided always, and be it further enacted, That if any such Money so agreed or awarded to be paid as aforesaid to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees or any Five or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Ex-

chequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Five or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l*.

XLIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Exchequer, on Motion or Petition.

L. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be adjudged or awarded under or by virtue of the Powers of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for

such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

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

The Court may order reasonable Expences to be paid by the Trustees.

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

On Payment of Money, Property to vest in the Trustees.

LIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Jury, or ascertained by such Justices, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Compensation for Damages, or upon Payment of the Purchase Money for such Market Tolls, Duties, Piccage, Stallage, and other Rights and Privileges as herein-before mentioned, to the Person entitled to receive such Money, or his Agent or Agents, within Thirty Days

Days after the same shall have been so agreed for, assessed, or ascertained, or on the same being within the like Period deposited in the Bank of *England* in manner by this Act directed (as the Case may be), it shall be lawful for the said Trustees, and their Agents, Workmen, and Servants, thereupon, and not before, to enter upon and take and use such Lands, Tenements, or Hereditaments, Tolls, Duties, Piccage, Stallage, and other Rights and Privileges respectively, and then and thereupon the same Lands, Tenements, or Hereditaments, with the yearly Profits thereof, and the said Market Tolls, Duties, Piccage, Stallage, and other Rights and Privileges for which such Purchase Monies shall have been so paid, and all the Estate, Use, Trust, and Interest of any Person therein, shall from thenceforth be absolutely vested in the said Trustees for the Purposes of this Act, whether such Conveyance as aforesaid shall or shall not be made; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Interest, Claim, and Demand of the Person to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates, Rights, Titles, and Interests of all other Persons whomsoever therein.

Power to erect and appoint public Weighing House, &c.

LIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to erect and appoint a public Weighing House or Place in or near the said Market, for the weighing and measuring such Meat, Provisions, or other Articles aforesaid as shall be bought or sold by Weight or Measure in the said Market, in case the Buyer or Buyers thereof shall desire the same; and they the said Trustees shall and they are hereby required to have and keep proper and sufficient Weights, Scales, and Measures (according to the respective Standard Weights and Measures in the Exchequer at *Westminster*) at the said Weighing House or Place, and appoint some proper Person or Persons to attend the same on every Market Day at such Time or Times as in the Rules, Orders, or Bye Laws to be made by virtue of this Act shall from Time to Time be directed; and all and every Persons and Person selling Meat, or other Provisions or Things, by Weight or Measure, in the said Market, shall weigh and measure the same in or by the said Weights, Measures, or Scales as aforesaid, if required so to do by the Buyer or Buyers thereof; and in order to defray the Expences of providing the said Weights, Scales, and Measures as aforesaid, and a proper Person or Persons to attend the same as aforesaid, there shall be paid, by the Buyer or Buyers of such Meat or other Provisions or Things, to the Person or Persons appointed to weigh the same as aforesaid, the several Tolls or Sum or Sums of Money mentioned in respect of the said Weighing House as are specified in the Schedule to this Act annexed marked (B.).

Penalty on Sellers refusing to weigh, &c. and on Buyers refusing to pay Tolls.

LV. And be it further enacted, That if any Seller of any Meat, Fish, or other Provisions in the said Market shall refuse or neglect to weigh or measure any Meat, Fish, or other Provisions by and with the public Scales, Weights, and Measures as aforesaid, upon being required so to do by the Buyer or Buyers thereof, or if the Buyer or Buyers of any Meat, Fish, or other Provisions which shall be so weighed or measured as aforesaid shall refuse or neglect to pay the Tolls for the same respectively at the Rate mentioned in the Schedule to this Act annexed marked

marked (B.), the Person or Persons in either Case so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect any Sum not exceeding Ten Shillings; and the said Tolls, Sums of Money, and Penalties shall and may be recovered by Distress and Sale of the said Meat, Fish, or other Provisions of the Person or Persons so refusing or neglecting to weigh and measure the same, or of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the said Toll as aforesaid, in like Manner as is herein-before directed concerning the Recovery of Tolls to be paid in respect of the said Markets.

Inspector to seize unwholesome Meat and false Measures.

LVI. And be it further enacted, That the Person or Persons appointed or to be appointed by the said Trustees as Inspector or Inspectors of Provisions and of Weights and Measures in the said Market, shall and may and is and are hereby authorized and required to seize and publicly to destroy all unwholesome Meat, Fish, or other Provisions which shall be offered or exposed for Sale in the said Market, and all false and deficient Weights and Measures which shall be used or found therein.

For preventing Nuisances in the Market Place.

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

Dirt to be removed by Scavengers.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees to appoint or employ any Person or Persons as Scavengers to cleanse the said Markets and Approaches, and also to contract with any Person or Persons for any such Purpose; and the Person or Persons who shall from Time to Time be appointed to or be employed by or contract with the said Trustees for the Office of Scavenger or Scavengers, for the Purpose of cleansing the said Market Place, and the Roads, Avenues, and Approaches to the same, shall, at the Time or Times and in the Manner required by an Order of the said Trustees, or any Contract or Contracts which such Person or Persons shall enter into with the said Trustees for that Purpose, sweep and collect together, and remove and take away to some inclosed or other Place or Places out of the said Market Place, and the Roads, Avenues, and Approaches to the same, all the Dirt, Dust, Filth, and Rubbish which shall have been laid or collected within the Limits of such Market Place, and Roads, Avenues, and Approaches respectively to the same, to be and be considered the Property of the Trustees under this Act for the Purposes thereof.

Trustees may make Bye Laws and Regulations.

LIX. And be it further enacted, That for the better regulating and managing the said new Markets and Market Place, when made and established, it shall be lawful for the said Trustees 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 better Regulation and Government of the said Markets, and for cleansing, letting, occupying, and using the said Market Place and Town Hall, or any Part or Parts thereof; and also for regulating, ordering, and governing all Persons, both Buyers and Sellers, thereto coming or resorting, and all Matters which do or may concern or relate to the said Markets; and also for regulating all Carriers therein, and fixing and ascertaining the Rates and Prices for carrying and conveying all Articles carried and conveyed from the said Markets within the said Town and the adjacent Parishes or Places; and for appointing, adjusting, and regulating all Weights and Measures according to the legal Standard used and to be used in the said Markets, and the Sale of all Provisions and other Things by such Weights and Measures, and for preventing the Use of false or defective Weights and Measures; and also for preventing unwholesome Provisions being sold or offered or exposed to Sale therein; and for preventing Horses and Carriages travelling or going through the said Market Place or remaining there, or any other Nuisances or Obstructions therein, or the Approaches to the same, and likewise for regulating and ordering all other Matters and Things which do or may concern or relate to the said Markets; and the said Trustees may from Time to Time, as they shall think fit, repeal, alter, add to, or amend any such Rules, Orders, and Bye Laws, 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, and Bye Laws, or any of them; provided always, that no such pecuniary Penalty shall exceed the Sum of Forty Shillings for any One Offence; and such Rules, Orders, and Bye Laws 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 are hereby required to observe and keep such Rules, Orders, and Bye Laws, under such Penalties and Forfeitures respectively as shall be ascertained and set down as aforesaid; and all such Rules, Orders, and Bye Laws, after having been signed by the Clerk to be appointed in pursuance of this Act, shall be painted on Boards, and put up or affixed in some conspicuous Place or Places in the said Market, which Boards shall from Time to Time be renewed and replaced when and as often as the said Rules, Orders, or Bye Laws, or any of them, shall be altered, obliterated, or defaced; but no Rule, Order, or Bye Law shall have any Force or Effect until Ten Days next after the same shall have been affixed as aforesaid, and all Convictions and Determinations under or by virtue thereof shall be subject to Appeal in manner herein-after mentioned.

Powers to sell Premises not wanted for the Purposes of this Act.

LX. And whereas some Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act may happen to be more than will be necessary or wanted for such Purposes; be it therefore further enacted, That it shall be lawful for any Three or more of the said Trustees, and they are hereby authorized and empowered, to sell and

dispose of and convey, or cause to be sold and disposed of and conveyed, such Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be vested in the said Trustees by virtue or in pursuance of this Act to any Person or Persons willing to contract for or purchase the same, and the Money arising therefrom shall be paid and applied for the Purposes of this Act; but the Purchaser or Purchasers of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, shall not, after paying his, her, or their Purchase Money or Purchase Monies, be liable to see to the Application thereof, or be in anywise answerable for the Misapplication or Nonapplication thereof, or of any Part thereof.

Power to borrow Money upon Mortgage of the Tolls, &c.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Time and from Time to Time hereafter, to borrow and take up at Interest in One or more Sum or Sums, and at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*, such Sum or Sums of Money, not exceeding in the whole the Sum of Two thousand Pounds, as the said Trustees shall deem necessary for the Purposes of this Act, upon the Credit of the Rents, Tolls, Duties, and Stallage granted or arising under or by virtue of this Act, and upon the said intended new Market Place and Town Hall, and the Buildings, Stalls, Standings, Shambles, and Conveniences thereon, and by any Deed or Writing under the Hands and Seals of any Three or more of the said Trustees to grant and assign all or any Part of the said Rents, Tolls, Duties, Stallage, and Market Place, Town Hall, Buildings, and Conveniences aforesaid, to such Person or Persons, or Body or Bodies Politic or Corporate, as shall lend or advance the said Money or any Part thereof, or to his, her, or their Trustee or Trustees, as a Security or Securities by way of Mortgage for such Sum or Sums of Money so to be advanced, with Interest for the same as aforesaid, in the Form hereinafter mentioned, and the Charges and Expences of such Grants, Assignments, or Mortgages shall be from Time to Time defrayed by the said Trustees out of the Money so borrowed; and every such Grant, Assignment, or Mortgage may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

‘ Number

‘ WE, [*here insert the Names of of the Trustees appointed to carry this Act into execution,*] Trustees acting in pursuance of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], in consideration of the Sum of advanced and lent by of upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said [*or* to his, her, *or* their Trustee or Trustees, *as the Case may be,*] his [*or* her *or* their] Executors, Administrators, and Assigns, and to the Bearer or Bearers hereof, duly registered in a Book to be kept for that Purpose by the Clerk for the Time being to be appointed in pursuance of the said Act, such Proportion of the Rents, Tolls, Duties, and Stallage granted or arising by virtue of the said Act, and also of the said Town Hall, Buildings, Stalls, Standings, Shambles, and other Conveniences erected in and upon the said Market Place, as the said Sum of doth or shall bear to the whole Sum or Sums of Money which may at any Time be borrowed, or become due and owing, or be charged upon

‘ the

'the Credit of the said Rents, Tolls, Duties, Stallage, and Premises, 'to be had and holden from this Day of until the said 'Sum of together with Interest for the same at the Rate of ' *per Centum per Annum*, to be paid yearly, shall be fully paid 'and satisfied. In witness whereof we have hereunto set our Hands 'and Seals, the Day of in the Year of our Lord One 'thousand eight hundred and .'

Mortgagees of Tolls to be equally entitled, without any Preference.

And every Person and Persons, and Body or Bodies Politic or Corporate, to whom such Mortgages or Assignments shall be made, or who shall become and be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rents, Tolls, Duties, Stallage, Hereditaments, and Premises, equally one with another, without Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons, or Body or Bodies to whom the same shall be made, his, her, or their Executors, Administrators, Successors, and Assigns, to the Payment of the Money thereby secured, and to all Benefit and Advantage thereof, according to the true Intent and Meaning of this Act: Provided always, that nothing herein contained shall extend or be construed to extend to charge or subject any of the Trustees appointed to carry this Act into execution as aforesaid, or their respective Estates, with or to any Payment or personal Liability by reason of their signing and sealing, or joining in making any such Grants, Assignments, or other Securities to be made in pursuance of this Act; and a Copy of every such Mortgage or Assignment, and when such Mortgage or Assignment shall be delivered from the Person or Bearer to whom the same was first granted to any other Person or Bearer, a Memorandum of the Delivery thereof, containing the Date of the Entry, the Name, Residence, and Addition of the Bearer or Person producing every such Mortgage or Assignment, and the Sum or Sums of Money thereby secured, shall be entered in a Book to be kept for that Purpose by the Clerk for the Time being to be appointed in pursuance of this Act; and any Person interested shall and may at all convenient Times in the Day have free Access and Liberty to inspect the said Book, without Fee or Reward; but for entering every Copy of such Mortgage or Assignment such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more, out of the Rents, Tolls, Duties, and Stallage by this Act authorized to be levied, and for entering every such Memorandum as aforesaid such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more, by the Person or Persons desiring such Memorandum to be made; and after every such Memorandum shall be entered as aforesaid, the Person or Persons in whose Name the same shall be entered as aforesaid, and his, her, or their Executors, Administrators, and Assigns, shall be entitled to the full Benefit of such Mortgage or Assignment, without any other Transfer, Assignment, Enrolment, or Registry thereof, and the same may in like Manner be transferred *toties quoties*, and shall also be entitled to any other Benefit or Advantage which Creditors on the Rents, Tolls, Duties, and Stallage by this Act authorized to be levied are under and by virtue of this Act entitled unto.

Trustees by signing Mortgages not personally liable.

Copies of Mortgages and Memorandum of each Transfer to be entered in a Book.

For recovering Subscriptions.

LXII. And be it further enacted, That if any or either of the Persons who have subscribed or agreed to subscribe, or shall hereafter subscribe

or

or agree to subscribe, any Sum or Sums of Money towards the Expences of passing and executing this Act, shall, after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk for the Time being to be appointed in pursuance of this Act, to them, him, or her given, or left at their, his, or her Dwelling House or Houses, or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by them, him, or her so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought, in any of His Majesty's Courts of Record at *Westminster*, an Action of Debt or on the Case, or to institute or file and proceed in any Suit, Bill, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed, against any Person or Persons so refusing or neglecting as aforesaid, or their, his, or her Heirs, Executors, or Administrators, and on Proof of such Persons or Person having so subscribed or agreed to subscribe such respective Sums or Sum, and of such Notice as aforesaid, such respective Sums or Sum so subscribed or agreed to be subscribed, or so much thereof as shall be required in such Notice to be paid, shall be recovered, with full Costs of Suit.

Application of Tolls and other Monies.

LXIII. And be it further enacted, That all Monies which shall be raised or received by virtue or in pursuance of this Act shall be paid and applied by the said Trustees, or under their Direction, in the Order and Manner herein-after mentioned; (that is to say,) in the first place, in paying and discharging all the Costs, Charges, and Expences of obtaining and passing this Act, together with lawful Interest for any Sum or Sums of Money which may have been advanced by any Person or Persons for that Purpose, from the Time or respective Times of advancing the same; and, in the next place, in paying the Costs, Charges, and Expences attending the Purchase and Conveyance of such Messuages, Lands, and Hereditaments as shall be necessary for the Purposes aforesaid, and in erecting, building, and completing, repairing, maintaining, and keeping in repair, the said Town Hall and Market Place, and other Buildings, Conveniences, Roads, Approaches, and Avenues directed to be erected and made for the Purposes of this Act, and in paying the Allowances to the several Officers to be appointed as aforesaid, the Expences attending the Purchase of the Tolls and other Duties hereby authorized to be purchased as aforesaid, and the Interest of all Monies which shall be borrowed by virtue and for the Purposes of this Act; and if at any or either of the annual Meetings of the said Trustees the Balance in the Treasurer's Hands shall amount to the Sum of Fifty Pounds or more, after such Payments shall have been made as aforesaid, then and in such Case, and when and so often as the same shall happen, so much of the said Balance or Overplus as the Trustees who shall be present at such annual Meeting shall think proper shall be applied in reducing, paying off, and discharging the Principal Sums which shall have been borrowed as aforesaid in manner herein-after mentioned; and when all the said Principal Monies shall have been paid off and discharged, then if any Surplus shall remain after answering the several Purposes aforesaid, the same shall be applied for or towards the general Improvement of the Town of *Upton-upon-Severn*, or for promoting or assisting any public Works,

Institutions, or Establishments there, as the major Part of the said Trustees assembled at any Meeting to be convened expressly for that Purpose according to the Directions of this Act shall think proper and order and direct.

Monies how to be paid off.

LXIV. And be it further enacted, That when any of the Monies due on the said Mortgage Securities shall be intended to be paid off and discharged, the said Trustees shall for that Purpose, at a Meeting, cause the Numbers of all the existing Securities to be written on distinct Pieces of Paper of an equal Size, and of the same Colour and Texture, and all such Papers shall be rolled up as near as may be in the same Form, and be put into a Box, and the Number or Numbers of the said Securities to the Amount then intended to be paid off shall be drawn separately out of the said Box by such Person as shall be deputed by the Trustees present at such Meeting; and after every such Ballot the Trustees so present shall cause a Notice, signed by the Clerk for the Time being, to be appointed in pursuance of this Act, to be given to the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot or left at or sent by Post to his, her, or their last or usual Place or Places of Abode in *England*; and if the Place or Places of Abode of such Person or Persons shall not be known or cannot be found, then the said Clerk shall cause an Advertisement, addressed to the Person or Persons who shall be so entitled as aforesaid, to be inserted in One of the Newspapers published in the City of *Worcester* in Three successive Weeks, which Notice or Advertisement shall state the Intention of the said Trustees to pay him or her as aforesaid, and shall express the Sum to be paid off, together with the Interest due thereon; and the same shall be paid on a Day and at a Place to be specified in such Notice or Advertisement, such Day not being sooner than Three Calendar Months next after the Day of giving or leaving such Notice, or after the Third Day of inserting the same as aforesaid; and the Interest of the Principal Money to be so paid off shall from and after the Day so specified cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice or Advertisement, and shall not be paid; but the Principal Money in respect whereof such Notice or Advertisement shall be given or inserted, and also the Interest thereof up to the Day so specified, shall nevertheless be payable at any future Time, on Demand.

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

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

Trustees may compound for Breach of Contracts.

LXVI. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time and at all Times hereafter, to compound or agree with any Person or Persons for any Breach or Nonperformance of such Contract or Contracts as aforesaid, and to accept and take such Sum or Sums of Money, or other Satisfaction, on account of such Breach or Nonperformance, as the said Trustees shall think reasonable and proper.

LXVII. And

Damages and Charges, in Cases of Dispute, to be settled by Justices.

LXVII. And be it further enacted, That in all Cases where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be ascertained, determined, and settled by the Justice or Justices of the Peace by or before whom any Offenders shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges, by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for levying any of the Penalties or Forfeitures.

Remedies in case of Nonpayment of Compensation for Damage, &c.

LXVIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, be directed or ordered to be paid as or by way of Compensation or Satisfaction for any Costs, or for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the Treasurer for the Time being acting under the Authority of this Act, to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made upon the said Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices 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 the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of the said Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damage, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of 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 and in such Case such Overplus shall be returned, on Demand, to the said Treasurer for the Time being acting under the Authority of this Act: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Justices may proceed by Summons in the Recovery of Penalties.

LXIX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same,

same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

Fines and Penalties how to be recovered.

LXX. 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 of the said Trustees 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 County of *Worcester*, 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 Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant 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 the Confession of the Offender or Offenders, or otherwise, that he, she, 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 Justices of the Peace for the said County of *Worcester*, and they 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 or House of Correction of and for the said County of *Worcester*, 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.

LXXI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, 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 Trustees, 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 *Worcester*, and such Justice and 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.

For compelling the Attendance of Witnesses.

LXXII. And be it further enacted, That if any Person or Persons, having been summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace touching any Complaint for any Offence against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, whether on the Part of the Prosecutors or the Person or Persons complained against, (a reasonable Sum for his, her, or their Costs and Charges having been paid or tendered to him, her, or them,) shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved of by the Justice or Justices, or appearing shall refuse to be examined on Oath, (or on solemn Affirmation, being a Quaker,) and to give Evidence before such Justice or Justices of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Inhabitants of Upton-upon-Severn not incompetent Witnesses.

LXXIII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, Inquiries, and Proceedings whatsoever relating to or concerning the Execution of this Act, or any Act done, or Rule, Order, or Bye Law made in pursuance thereof, no Person shall be disqualified from being a competent Witness, and being admitted to give Evidence, by reason of his or her being an Inhabitant of the Parish of *Upton-upon-Severn* aforesaid, or a Trustee or Officer appointed under the Authority of this Act.

Persons giving false Evidence liable to the Penalties of Perjury.

LXXIV. And be it further enacted, That all and every Persons and Person who shall give false Evidence in any Examination or Deposition to be taken by virtue of this Act, or where, in pursuance of this Act, any Oath is required to be taken, wilfully and corruptly shall swear falsely, shall be subject to such Pains and Penalties as Persons guilty of wilful and corrupt Perjury are or for the Time being shall be subject or liable by the Laws and Statutes of this Realm.

Trustees may act as Justices.

LXXV. And be it further enacted, That all such of the said Trustees as are or may be Justices of the Peace for the said County of *Worcester* may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that no Person possessed of or entitled to any Mortgage or other Security upon the Tolls granted by this Act shall on such Account only be disqualified from acting as a Trustee or Justice of the Peace.

Form of Conviction.

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

'County of Worcester } BE it remembered, That on the
'to wit. } Day of in the Year of our Lord
'at in the said County of *Worcester*, *A. B.* is
'convicted before me [*or* us] of His Majesty's Justices of the
'Peace for the said County of *Worcester*, by virtue of an Act passed in the
'Second Year of the Reign of His Majesty King *William* the Fourth,
'intituled *An Act*, &c. [*here insert the Title of this Act, and state the*
'*Offence, and the Time and Place when and where the same was com-*
'*mitted,*] contrary to the said Act, [*or* contrary to a Bye Law duly made
'in pursuance of the said 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 do order the same
'to be forthwith paid into my [*or* our] Hands, one Moiety thereof for
'the Use of the Trustees under the said Act, for the Purposes thereof,
'and the other Moiety thereof to the Use of *C. D.* [*name the Informant,*]
'who informed me [*or* us] of the said Offence; and I [*or* we] do
'further order the said *A. B.* forthwith to pay to the said *C. D.* the Sum
'of as and for the reasonable Costs by him incurred in and
'about the said Conviction. Given under Hand and Seal, the
'Day and Year first above written.'

Distress not unlawful for Want of Form.

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

Allowing an Appeal.

LXXVIII. Provided always, 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 *Worcester* within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant having given or caused to be given Ten Days Notice at least in Writing of 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 Four Days next after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said County of *Worcester*, with Two sufficient Persons as 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 Justices, 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 shall or may mitigate any Fine or 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.

Proceedings not to be quashed for Want of Form.

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

Limitation of Actions.

LXXX. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of this Act, or in the Execution or supposed Execution of the Powers and Authorities hereinbefore given, until Ten Days Notice in Writing of such intended Action or Suit, and the Cause thereof, shall have been given to the Clerk for the Time being acting in pursuance of this Act, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, nor after the Expiration of Six Calendar Months from the Time when such Cause of Action or Suit shall have arisen, or, in case of any consequential Damage upon any Cause of Action, within Six Calendar Months after such Damage shall have been discontinued or shall cease, nor after Tender of reasonable Amends shall have been made to the Party or Parties aggrieved, by or on the Behalf of the Defendant or Defendants in such Action or Suit; and every such Action or Suit shall be laid, brought, and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done or omitted in pursuance and by Authority of this Act; and if such Matter or Thing shall appear to have been so done or omitted, or if it shall appear that such Action or Suit was brought before the Expiration of

of Ten Days from the Delivery of such Notice as aforesaid, or after the Time herein-before limited for bringing the same, or Tender of reasonable Amends as aforesaid, or if such Action or Suit be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover his, her, or their Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Reasonable Amends in satisfaction of Damages may be paid into Court by Defendant.

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

Saving Rights of the Lord of the Manor.

LXXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the Lord or Lords, Lady or Ladies of the Manor of *Upton-upon-Severn* for the Time being, in respect of his, her, or their Rents, Tolls, Duties, Piccage, Stallage, or any other Right or Emoluments belonging, due, or in anywise appertaining to him, her, or them, as Lord or Lords or Lady or Ladies of the Manor aforesaid, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Public Act.

LXXXIII. 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

The SCHEDULE (A.) referred to by the foregoing Act.

Description of Property.	Name of Owner or reputed Owner.	Name of Occupier.
Property to be taken for the Purposes of the Act.		
A Messuage or Dwelling House, Workshops, Outbuildings, Yard, Garden, and Appurtenances.	John Clarke Gentleman -	Sampson Burgis.
Property which may be damaged in the Execution of the Act.		
A Messuage or Dwelling House	Thomas Baylis, Henry Baylis, and Joseph Baylis.	Joseph Baylis.
A Messuage or Dwelling House	Joseph Charlwood - - -	Joseph Allsop.

The SCHEDULE (B.) referred to by the foregoing Act.

Rents, Tolls, and Stallage.	£	s.	d.
For every uninclosed covered Butcher's Stall or Fish Stall, not occupying less than 7 Feet in Length nor less than 3 Feet in Breadth, for any Space of Time not exceeding One Day - - -	0	2	0
For every inclosed covered Butcher's Stall, occupying in Space in the clear not less than 8 Feet square, for any Space of Time not exceeding One Day - - - - - - - - - -	0	2	6
For every Two Feet in Length for exposing to Sale Poultry, Butter, Eggs, Fruit, or other Articles of Provision commonly sold in Poultry Markets, or Seeds, for any Space of Time not exceeding One Day	0	0	2
For every additional Foot in Length - - - - -	0	0	1
For every Three Feet in Length, for exposing to Sale Vegetables only, for any Space of Time not exceeding One Day - - -	0	0	2
For every additional Foot in Length - - - - -	0	0	1
For every Hand Basket brought and carried by Persons not using a Stall or Standing, containing Poultry, Pork, Butter, Eggs, or other Articles of Provision commonly sold in Poultry Markets, or Vegetables, Fruit, or Seeds, for any Space of Time not exceeding One Day - - - - - - - - - -	0	0	1½
For every Sack or Bag containing Potatoes, Carrots, Turnips, Beans, Peas, or other Vegetables or Fruit sold by the Sack or Bag, and not weighing more than 168 Pounds Avoirdupois, for any Space of Time not exceeding One Day - - - - - -	0	0	1
If weighing more than 168 Pounds Avoirdupois, for any Space of Time not exceeding One Day - - - - -	0	0	1½
For every Superficial Foot of uncovered Ground, used or occupied by Persons offering for Sale or selling Cabbage or other Plants, Apple Trees or Shrubs, or for any other Purpose not herein provided for, for any Space of Time not exceeding One Day - - - -	0	0	0½

	£	s.	d.
For every Superficial Foot of covered Ground used or occupied by Persons offering for Sale or selling Cabbage or other Plants, Apple Trees or Shrubs, or for any other Purpose not herein provided for, for any Space of Time not exceeding One Day - -	0	0	1
For each and every Superficial Foot of every Stall for exposing to Sale any manufactured Goods, Wares, or Merchandize, for any Space of Time not exceeding One Day - - - - - -	0	0	1½

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

Tolls for Weighing and Measuring.

	£	s.	d.
For every Quantity of Meat or other Article weighing not exceeding 20lbs. Avoirdupois, any Sum not exceeding - -	0	0	0½
For every Quantity of Meat or other Article weighing more than 20lbs. and not exceeding 60lbs. any Sum not exceeding - - -	0	0	1
For every Quantity of Meat or other Article weighing more than 60lbs. and not exceeding 100lbs. any Sum not exceeding - -	0	0	1½
For every Quantity of Goods and Articles sold by Measure, for every Bushel - - - - - - -	0	0	0½

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