



Markets and Fairs Clauses Act 1847

1847 CHAPTER 14

An Act for consolidating in One Act certain Provisions usually contained in Acts for constructing or regulating Markets and Fairs. [23d April 1847]

WHEREAS it is expedient to comprise in One Act sundry Provisions usually contained in Acts of Parliament authorizing the Construction or Regulation of Markets and Fairs, and that as well for avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,:

Extent of Act.

That this Act shall extend only to such Markets or Fairs as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith ; and all the Clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, with the Clauses of every other Act which shall be incorporated therewith, form Part of such Act, and be construed therewith as forming One Act.

And with respect to the Construction of this Act, and any Act incorporated therewith, be it enacted as follows

II Interpretations in this Act.

The Expression " the special Act " used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the Construction or Regulation of a Market or Fair, and with which this Act shall be incorporated; and the Word " prescribed " used in this Act in reference to any Matter herein stated shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word occurs shall be construed as if instead of the Word "

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prescribed" the Expression " prescribed for that Purpose in the special Act" had been used ; and the Expression " the Lands " shall mean the Lands which shall by the special Act be authorized to be taken or used for the Purposes thereof; and the Expression " the Undertaking " shall mean the Market or Fair, and the Works connected therewith, by the special Act authorized to be constructed or regulated; and the Expression " the Undertakers " shall mean the Persons authorized by the special Act to construct or regulate the Market or Fair.

III Interpretations in this and the special Act :

The following Words and Expressions in both this and the special Act, and any Act incorporated therewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

Words importing the Masculine Gender shall include Females :

The Word " Person " shall include a Corporation, whether aggregate or sole :

The Word " Lands " shall include Messuages, Lands, Tenements, and Hereditaments or Heritages of any Tenure :

The Word " Lease " shall include a Missive of and an Agreement for a Lease :

The Expression " the Market or Fair " shall mean the Market or Fair, and the Works connected therewith, by the special Act authorized to be constructed or regulated :

The Word " Cart " shall include Waggon, and also any Carriage used wholly or chiefly for the Conveyance of Goods :

The Word " Driver " shall include the Carter or other Person having the Care of any Cart :

The Word " Cattle " shall include Horse, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine :

The Expression " the Collector " shall mean the Person appointed by the Undertakers to collect the Stallages, Rents, or Tolls authorized by the special Act, shall include the Assistants of the Collector :

The Word " Month " shall mean Calendar Month :

The Expression " Superior Courts, " when the Matter submitted to the Cognizance of the Court arises in *England* or *Ireland*, shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require, and shall include the Court of Common Pleas of the County Palatine of *Lancaster*, and the Court of Pleas of the County of *Durham*; and when such Matter arises in *Scotland* it shall mean the Court of Session :

The Word " Oath " shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Persons allowed by Law to make a Declaration instead of taking an Oath :

The Word " County " shall include Riding or other Division of a County having a separate Commission of the Peace ; and in *Scotland*, Stewartry, and any Ward or other Division of a County or Stewartry, having a separate Sheriff, and it shall also include County of a City or County of a Town :

The Word "Justice " shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises ; and if such Matter arise in respect of Lands situated not wholly in any one Jurisdiction shall mean a Justice acting for the Place where any Part of such Lands shall

be situated; and where any Matter is authorized or required to be done by Two Justices, the Expression " Two Justices" shall be understood to mean Two or more Justices assembled and acting together :

The Word " Sheriff " shall mean the Sheriff Depute of the County or Ward of a County in *Scotland* and the Steward Depute of the Stewartry in *Scotland* in which the Matter submitted to the Cognizance of the Sheriff arises, and shall include the Substitutes of such Sheriff Depute and Steward Depute respectively :

The Expression " Quarter Sessions " shall mean Quarter Sessions as denned in the special Act; and if such Expression be not there defined it shall mean the General or Quarter Sessions of the Peace which shall be held at the Place nearest to the Market or Fair, or the principal Office thereof, for the County or Place in which the Market or Fair is situate, or for some Division of such County having a separate Commission of the Peace.

Citing the Act

And with respect to citing this Act, or any Part thereof, be it enacted as follows:

IV Short Title of this Act.

In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression " The Markets and Fairs Clauses Act, 1847."

V Form in which Portions of this Act may be incorporated in other Acts.

For the Purpose of incorporating Part only of this Act with any Act hereafter to be passed it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates.

Construction of Market or Fair

And with respect to the Construction of the Market or Fair, and the Works connected therewith, be it enacted as follows:

VI Construction of Markets or Fairs to be subject to the Provisions of this Act and One of the Lands Clauses Consolidation Acts, 1845.

Where by the special Act the Undertakers shall be empowered, for the Purpose of constructing the Market or Fair, to take or use any Lands otherwise than with the Consent of the Owners and Occupiers thereof, they shall, in exercising the Power so given to them, be subject to the Provisions and Restrictions contained in this Act and in the Lands Clauses Consolidation Act, 1845, when the special Act relates to *England* or *Ireland*, and to the Provisions and Restrictions contained in this Act and the Lands Clauses Consolidation (*Scotland*) Act, 1845, when the special Act relates to *Scotland*; and the Undertakers shall make to the Owners and Occupiers of and all other Parties interested in any Lands taken or used for the Purposes of the special

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Act, or injuriously affected by the Construction of the Works thereby authorized, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Persons by reason of the Exercise, as to such Lands, of the Powers vested in the Undertakers by this or the special Act, or any Act incorporated therewith; and, except where otherwise provided by this or the special Act, the Amount of such Compensation shall be determined in the Manner provided by the said Lands Clauses Consolidation Acts respectively for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof; and all the Provisions of the said last-mentioned Acts respectively shall be applicable to determine the Amount of any such Compensation, and to enforce Payment or other Satisfaction thereof.

VII Errors and Omissions in special Act, or Schedules thereto, may be corrected by Justices, &c, who shall certify the same. Certificate to be deposited.

If any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described or purporting to be described in the special Act, or in the Schedule thereto, the Undertakers, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply in *England* or *Ireland* to Two Justices, and in *Scotland* to the Sheriff, for the Correction thereof; and if it appear to such Justices or Sheriff that such Omission, Mis-statement, or wrong Description arose from Mistake, they or he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate shall be deposited in *England* or *Ireland* with the Clerk of the Peace, and in *Scotland* with the Sheriff Clerk of the County in which the Lands affected thereby shall be situated, or, where any such Lands are situated in a Royal Burgh in *Scotland*, with the Town Clerk of such Burgh ; and such Certificate shall be kept by such Clerk of the Peace, Sheriff Clerk, or Town Clerk with the other Documents to which they relate, and thereupon the special Act or Schedule shall be deemed to be corrected according to such Certificate ; and the Undertakers may make the Works in accordance with such Certificate as if such Omission, Mis-statement, or wrong Description had not been made,

VIII Copies of Alterations, &c. to be Evidence.

Copies of any such Alteration or Correction thereof, or Extracts therefrom, certified, by any such Clerk of the Peace, Sheriff Clerk, or Town Clerk in whose Custody the same may be, which Certificate such Clerk shall give to all Parties interested when required, shall be received in all Courts of Justice and elsewhere as Evidence of the Contents thereof.

IX Additional Land may be taken for extraordinary Purposes.

The Undertakers, in addition to the Lands authorized to be taken compulsorily, or to be appropriated by them for the Purposes of the Market or Fair under the Powers of this and the special Act, may appropriate any Lands vested in them, or may contract with any Person willing to sell the same for the Purchase of any Land within the Limits of the special Act, not exceeding in the whole the prescribed Number of Acres for extraordinary Purposes ; (that is to say,)

For providing Slaughter-houses, (if the Undertakers shall be authorized by the special Act to provide Slaughter-houses,) and Houses and Places for weighing Carts :

For making convenient Roads and Approaches to the Market or Fair :

For any other Purpose which may be necessary for the Formation or convenient Use of the Market or Fair.

X Undertakers, subject to Provisions of this and the special Act, may execute the Works herein named.

Subject to the Provisions in this and the special Act and any Act incorporated therewith, the Undertakers for the Purpose of constructing a Place for holding the Market or Fair may execute any of the following Works ; (that is to say)

They may enter upon any Lands described in the special Act, or the Schedule thereto, and other Lands purchased by them or belonging to them, and set out such Parts as they think necessary for the Purposes of the Market or Fair, and thereupon from Time to Time build and maintain such Market Places or Places for Fairs, and such Stalls, Sheds, Pens, and other Buildings or Conveniences for the Use of the Persons frequenting the Market or Fair, and for weighing and measuring Goods sold in the Market or Fair, and for weighing Carts, as they may think necessary :

They may from Time to Time on such Lands as aforesaid make and maintain all such Roads and Approaches as they may think necessary for the convenient Use of the Persons resorting to the Market or Fair.

XI Undertakers to make Satisfaction for Damage done.

Provided always, That in the Exercise of the Powers by this or the special Act granted the Undertakers shall do as little Damage as can be, and shall make full Satisfaction in manner herein and by the special Act and any Act incorporated therewith provided to all Parties interested for all Damages sustained by them by reason of the Exercise of such Powers.

Holding of Market, &c

And with respect to the holding of the Market or Fair, and the Protection thereof, be it enacted as follows :

XII Before the Market or Fair shall be opened Notice to be given by Undertakers.

Before the Market or Fair shall be opened for public Use the Undertakers shall give not less than Ten Days Notice of the Time when the same will be opened, and such Notice shall be given by the Publication thereof in some Newspaper circulating within the Limits of the special Act, and by printed Handbills posted on some conspicuous Place within those Limits.

XIII Sales elsewhere than in Markets prohibited under a Penalty not exceeding 40s.

After the Market Place is opened for public Use every Person other than a licensed Hawker who shall sell or expose for Sale in any Place within the prescribed Limits, except in his own Dwelling Place or Shop, any Articles in respect of which Tolls are

by the special Act authorized to be taken in the Market, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

XIV Market Days.

After the Market Place or Place for Fairs is opened for public Use the Undertakers shall hold Markets and Fairs therein on the prescribed Days (if any), and on such other Days as the Undertakers shall appoint from Time to Time by any Bye Law to be made in pursuance of this or the special Act.

XV Penalty for selling or exposing for Sale unwholesome Meat, &c. Penalty on obstructing Inspector.

Every Person who shall sell or expose for Sale any unwholesome Meat or Provisions in the Market or Fair shall be liable to a Penalty not exceeding Five Pounds for every such Offence; and any Inspector of Provisions appointed by the Undertakers may seize such unwholesome Meat or Provisions, and carry the same before a Justice, and thereupon such Proceedings shall be had as are herein-after directed to be had in the Case of any Cattle or Carcase seized in any Slaughter-house and carried before a Justice; and every Person who shall obstruct or hinder the Inspector of Provisions from seizing or carrying away such unwholesome Meat or Provisions shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

XVI Penalty for obstructing Market or Fair Keeper.

Every Person who shall assault or obstruct any Person appointed by the Undertakers to superintend the Market or Fair, or to keep Order therein, whilst in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Slaughterhouses

And with respect to Slaughter-houses, be it enacted as follows:

XVII Power to erect Slaughterhouses if authorized by the special Act.

Where by the special Act the Undertakers shall be empowered to provide Slaughter-houses they may from Time to Time erect, on any Land purchased by them under the Provisions of this or the special Act, or any Act incorporated therewith, any Buildings, or set apart and improve any Buildings belonging to them, for the slaughtering of Cattle, and so soon as the same shall be ready for public Use the Undertakers shall give Notice to that effect by the Publication thereof in some Newspaper circulating within the Limits of the special Act, and by printed Handbills posted on some conspicuous Place within the said Limits.

XVIII Nothing to protect Undertakers from an Indictment for Nuisance.

Provided that nothing in this or the special Act, or any Act incorporated therewith, shall protect the Undertakers from an Indictment for Nuisance, or from any other legal Proceeding, in respect of any such Slaughter-house as aforesaid.

XIX Penalty on slaughtering Cattle, &c. elsewhere than in an authorized Slaughterhouse.

After the Expiration of Ten Days from the Publication and posting of such Notice no Person shall slaughter any Cattle or dress any Carcase for Sale as Human Food or Food of Man in any Place within the Limits of the special Act other than a Slaughterhouse which was in use as such before and at the Time of the passing of the special Act, and has so continued ever since, or the Slaughter-houses made in pursuance of this and the special Act; and every Person who shall, after such Notice as aforesaid, slaughter any such Cattle or dress for Sale any such Carcase within the Limits of the special Act in any Place other than one of such Slaughter-houses, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

XX Inspector may enter and inspect Slaughterhouses.

The Inspector of Provisions, or any Officer appointed by the Undertakers for that Purpose, may at all Times of the Day, with or without Assistants, enter into and inspect all Buildings erected or set apart by the Undertakers for slaughtering Cattle, and examine whether any Cattle or the Carcase of any Cattle is deposited there; and in case such Officer shall find any Cattle, or the Carcase or Part of the Carcase of any such Cattle, which shall appear unfit for the Food of Man, he may seize and carry the same before a Justice, and such Justice shall forthwith order the same to be further inspected and examined by competent Persons; and in case upon such Inspection and Examination such Cattle, Carcase or Part of a Carcase, shall be found unfit for the Food of Man, such Justice shall order the same to be immediately destroyed or otherwise disposed of in such Way as to prevent the same. being exposed for Sale or used for the Food of Man; and every Person who shall obstruct or hinder such Inspector or other Officer in the Discharge of any of the Duties aforesaid shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Weighing of Goods and Carts

And with respect to weighing Goods and Carts, be it enacted as follows:

XXI Undertakers to provide proper Weights and Measures for weighing Commodities sold at Markets and Fairs.

The Undertakers shall provide sufficient and proper Weighing Houses or Places for weighing or measuring the Commodities sold in the Market or Fair, and shall keep therein proper Weights, Scales, and Measures according to the Standard Weights and Measures for the Time being for weighing such Commodities as aforesaid, and shall appoint proper Persons to attend to the weighing or measuring such Commodities at all Times during which the Market or Fair is holden.

XXII Articles to be weighed if requested by the Buyer. Penalty for Refusal.

Every Person selling or offering for Sale any Articles in the Market or Fair shall, if required so to do by the Buyer, cause the same to be weighed or measured by the Weights and Scales or Measures provided by the Undertakers; and any such Person who shall refuse, on Demand, to cause such Articles to be weighed or measured in manner aforesaid, shall be liable to a Penalty not exceeding Forty Shillings.

XXIII Penalty on Persons appointed refusing to weigh.

Every Person appointed by the Undertakers to weigh or measure any Articles sold in the Market or Fair who shall refuse or neglect to weigh or measure the same when required shall be liable to a Penalty not exceeding Forty Shillings.

XXIV Undertakers to keep proper Machines for weighing Carts laden with Goods.

The Undertakers shall provide sufficient and proper Buildings or Places for weighing Carts in which Goods are brought for Sale within the Market or Fair or the prescribed Limits, and shall keep therein Machines and Weights proper for that Purpose, and shall from Time to Time appoint a Person in every such Building or Place to afford the Use of such Machines to the Public by weighing such Carts with or without their Loading, as may be required.

XXV Carts to be weighed at ape of the Machines erected by the Undertakers.

The Driver of every such Cart shall, at the Request of the Buyer or Seller of such Goods, or his Agent, take such Cart, with or without the Loading thereof, to the nearest of the said Weighing Machines, and shall permit the same to be weighed ; and if such Cart be weighed with its Load thereupon the Driver shall, if required, take such Cart after its Load has been discharged to the Weighing Machine nearest to such Place of Discharge, and permit it to be re-weighed without such Load ; and if any such Driver shall for the Purposes aforesaid be required to take such Cart a greater Distance than Half a Mile, including the going to and returning from such Machines respectively, the Owner of the Cart shall be paid for every Horse which shall be used in drawing such Cart Two-pence for the First Half Mile, and a like Sum for every additional Half Mile ; and such Payment shall be made by the Person requiring such Cart to be weighed as aforesaid before the Driver thereof shall be obliged to take it as aforesaid for the Purpose of having it weighed.

XXVI Penalty on Drivers for refusing to take Carts to be weighed, &c.

The Driver of any such Cart who shall not, upon being so requested as aforesaid, and having such Payment made or tendered as aforesaid, take the same to such Weighing Machine as herein-before directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the Person requiring such Cart to be weighed a Sum not exceeding Twenty Shillings.

XXVII Penalties on Drivers of Carts, &c. committing Frauds in weighing.

Every Driver of any such Cart weighed at any Weighing Machine to be provided in pursuance of this or the special Act who shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds for each Offence ; (that is to say,)

If he at the Time of weighing any such Cart knowingly have any thing in or about the same other than the proper Loading thereof :

If he alter any Ticket denoting the Weight of any such Cart, or the Loading of the same :

If he make or use, or be privy to making or using, any Ticket falsely stating the Weight of any such Cart or the Loading thereof :

If he, after the weighing of any such Cart, with the Loading thereof, remove any Part of such Loading, and afterwards dispose of or attempt to dispose of or

represent the Residue of such Loading as being the full Loading denoted by such Ticket :

If he, between the Time when the Cart and the Loading thereof have been so weighed and the Time when such Cart is weighed without such Loading, change the Wheels of such Cart, or make any other Change upon it after being required to allow such Cart to be weighed without the Loading thereof :

If he be guilty of any other fraudulent Contrivance to misrepresent the Weight of any such Cart or of the Loading thereof.

XXVIII Penalty on Buyers or Sellers for committing Frauds in weighing.

If the Buyer or Seller of any Goods brought in any Cart for Sale within the Market or Fair, and which shall be required to be weighed as aforesaid, shall do any thing to such Cart or its Loading whereby the true Weight thereof respectively shall be altered before such weighing, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

XXIX Penalties for Frauds committed by the Machine Keeper.

The Person for the Time being appointed to keep any Weighing Machine provided in pursuance of this or the special Act shall be liable to a Penalty not exceeding Five Pounds in any of the following Cases; (that is to say,)

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

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

If he do not deliver to the Buyer or Seller of any such Loading, or to any Person interested therein, on Application, a Ticket or Account specifying the true Weight of such Cart, with or without such Loading, as may be required :

If he give to the Driver of any such Cart a false Ticket or Account of the Weight of such Cart, with or without the Loading thereof :

If he weigh any Cart, with or without its Loading, knowing that any thing had been done to such Cart or to the Loading thereof to alter the true Weight thereof respectively :

If he knowingly assist in or connive at any Fraud concerning the weighing of any Cart or the Loading thereof, or make or connive at making any false Representation of the Weight of the same respectively.

XXX Penalty on other Parties committing Frauds as to weighing.

Every Person who shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Cart, or the Loading thereof, in pursuance of this or the special Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Tolls

And with respect to the Stallages, Rents, and Tolls to be taken by the Undertakers, be it enacted as follows;

XXXI Tolls, &c. not to be demanded until Market or Fair completed.

Unless it be otherwise provided by the special Act, the Undertakers shall not demand or receive any Stallage, Rent, or Toll until the Market Place or Place for a Fair or Slaughter-house in respect of the Use of which the same shall be demanded shall be completed and fit for the Use of the Persons resorting thereunto.

XXXII Certificate of Two Justices to be Evidence that Market or Fair is completed.

A Certificate under the Hand of any Two Justices shall be conclusive Evidence that the same is completed and fit for public Use as aforesaid; and any such Justices shall sign such Certificate on Proof being adduced to them that the Market Place or Place for a Fair or Slaughter-house is so completed and fit for public Use.

XXXIII Stallages, &c. when to be paid.

The several Stallages, Rents, or Tolls payable in respect of the Market or Fair or Slaughter-house shall be paid from Time to Time, on Demand, to the Undertakers or the Collector, or other Person authorized by the Undertakers to receive the same.

XXXIV Tolls to be paid to Persons authorized before the same are weighed, &c.

The Tolls payable in respect of weighing or measuring marketable Commodities, or Carts with or without Goods, shall be paid to the Person authorized by the Undertakers to weigh or measure the same by the Persons bringing such marketable Commodities or Carts to be weighed or measured, before the same are weighed or measured.

XXXV Tolls in respect of Cattle Market when due.

The Tolls in respect of Cattle brought to the Market for Sale shall become due as soon as the Cattle in respect whereof they are demandable are brought into the Market Place, and before the Cattle are put into any Pen, or tied up in such Market Place; and if the Cattle be not removed within One Hour after the close of the Market, another Toll shall become due in respect of the Cattle so omitted to be removed.

XXXVI Stallages, Tolls, &c. may be varied from Time to Time.

The Undertakers may from Time to Time change the Stallages, Rents, and Tolls to be taken in respect of the Market or Fair or for the Slaughter-houses, or for weighing and measuring, provided that the Stallages, Rents, and Tolls in no Case exceed the Amounts authorized by the special Act.

XXXVII Penalty on taking a greater Toll than authorized by this or the special Act.

Every Person who shall demand or receive a greater Toll than that authorized to be taken under the Provisions of this or the special Act shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

XXXVIII Recovery of Tolls by Distress. &c.

If any Person liable to the Payment of any Stallage, Rent, or Toll authorized by this or the special Act to be taken do not pay the same when demanded, the Undertakers

or their Lessee, or any Person authorized by the Undertakers or their Lessee to collect the same, may levy the same in *England* or *Ireland* by Distress, and in *Scotland* by Poinding and Sale, of all or any of the Cattle or other Articles in respect of which such Stallage, Rent, or Toll is payable, or of any other Cattle or other Articles in the Market belonging to the Person liable to pay such Stallage, Rent, or Toll, or under his Charge, or such Tolls may be recovered in any Court having competent Jurisdiction.

XXXIX Disputes respecting Tolls, how to be settled.

If any Dispute arise concerning any such Stallage, Rent, or Toll, such Dispute shall be determined in *England* or *Ireland* by a Justice, and in *Scotland* by the Sheriff, and such Justice or Sheriff shall, on Application made to him, determine the same, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied in *England* or *Ireland* by Distress, and in *Scotland* by Poinding and Sale, and the Justice or Sheriff shall issue his Warrant accordingly.

XL Penalty for obstructing Collector of Rents, Sec.

Every Person who shall assault or obstruct any Person authorized to collect any Stallage, Rent, or Toll authorized by this or the special Act shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

XLI List of Tolls &c. to be set up and placed in conspicuous Places.

The Undertakers or their Lessee shall from Time to Time cause to be painted on Boards, or to be printed and attached to Boards, in large and legible Characters, a List of the several Stallages, Rents, and Tolls from Time to Time payable under this and the special Act, and shall cause a Board containing such List to be conspicuously set up and continued in the Market or Fair, and in each Weighing House and Slaughter-house provided by the Undertakers, to which each such List shall relate, and no Stallage, Rent, or Toll shall be payable during the Time such List is not so set up, or for any thing not specified therein: Provided always, that if such List shall be destroyed, injured, or obliterated, the Stallages, Rents, and Tolls shall continue to be payable during such Time as shall be reasonably required for the Restoration of such List, in the same Manner as if such List had continued in the State required by this Act.

Bye Laws

And with respect to the Bye Laws to be made by the Undertakers, be it enacted as follows :

XLII Bye Laws may be made for all or any of the Purposes herein named.

The Undertakers may from Time to Time make such Bye Laws as they think fit for all or any of the following Purposes; (that is to say,)

For regulating the Use of the Market Place and Fair, and the Buildings, Stalls, Pens, and Standings therein, and for preventing Nuisances or Obstructions therein, or in the immediate Approaches thereto :

For fixing the Days, and the Hours during each Day, on which the Market or Fair shall be held :

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For Inspection of the Slaughter-houses, and for keeping the same in a cleanly and proper State, and for removing Filth and Refuse at least once in every Twenty-four Hours, and for requiring that they be provided with a sufficient Supply of Water, and preventing the Exercise of Cruelty therein :

For regulating the Carriers resorting to the Market or Fair, and fixing the Rates for carrying Articles carried therefrom within the Limits of the special Act :

For regulating the Use of the Weighing Machines provided by the Undertakers, and for preventing the Use of false or defective Weights, Scales, or Measures :

For preventing the Sale or Exposure for Sale of unwholesome Provisions in the Market or Fair :

Bye Laws may be repealed or altered from Time to Time.

And the Undertakers may from Time to Time, as they shall think fit, repeal or alter any such Bye Laws ; provided always, that such Bye Laws shall not be repugnant to the Laws of that Part of the United Kingdom where the same are to have effect, or to the Provisions of this or the special Act, or of any Act incorporated therewith ; and such Bye Laws shall be reduced to Writing under the Common Seal of the Undertakers if they be a Body Corporate, or the Hands and Seals of Two of the Undertakers if they be not a Body Corporate, and, if affecting other Persons than the Officers and Servants of the Undertakers, shall be printed and published as herein provided.

XLIII Bye Laws may be enforced by Imposition of Penalties.

The Undertakers, by the Bye Laws so to be made by them, may impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Breach of such Bye Laws ; provided that every such Bye Law shall be so framed as to allow the Justices or Sheriff before whom any Penalty imposed thereby shall be sought to be recovered to order the whole or Part only of such Penalty to be paid.

XLIV No Bye Laws to come into Operation until allowed in the Manner prescribed and approved by Secretary of State.

No Bye Laws made under the Authority of this or the special Act (except such as may relate solely to the Officers or Servants of the Undertakers) shall come into operation until the same shall be allowed- in the Manner prescribed by the special Act, or, if no Manner be prescribed, until the same shall be allowed by the Justices at Quarter Sessions if the Market or Fair be in *England* or *Ireland*, or the Sheriff if the Market or Fair be situate in *Scotland*, and in either Case approved under the Hand of One of Her Majesty's Principal Secretaries of State; and it shall be incumbent on the Justices at Quarter Sessions, or the Sheriff, as the Case may be, on the Request of the Undertakers, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same, as to them may seem meet.

XLV Notice of Allowance of Bye Laws to be given in One or more Newspapers, &c.

Provided always, That no such Bye Law shall be allowed in manner herein mentioned unless Notice of the Intention to apply for an Allowance of the same shall have been given in One or more Newspapers of the County in which the Market or Fair shall be situated, or, if there be no Newspaper in such County, in One or more Newspapers of the adjoining County, One Month at least before the, hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Undertakers Ten Days before the hearing of the Application for

the Allowance thereof, may, by himself or his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

XLVI A Copy of proposed Bye Laws to be open for Inspection.

For One Month at least before any such Application for Allowance of any Bye Law a Copy of such proposed Bye Laws shall be kept, at the principal Office of the Undertakers, and shall be put up in some conspicuous Place- in the Market Place or Fair, and all Persons at. all reasonable Times may inspect such Copy without Fee or Reward, and the Undertakers shall furnish every Person who shall apply for the same with a Copy thereof, or of any Part thereof, On Payment of Sixpence for every One hundred Words so to be copied.

XLVII Publication of Bye Laws.

The said Bye Laws shall be published in the prescribed Manner, and when no Manner of Publication is prescribed they shall be printed, and the Clerk of the Undertakers shall give a printed Copy thereof to every Person applying for the same without Charge, and a Copy thereof shall be painted or placed on Boards, and put up in some conspicuous Part of the principal Office of the Undertakers, and also in some conspicuous Place in the Market Place or Fair, and such Boards, with the Bye Laws thereon, shall be renewed from Time to Time as Occasion shall require, and shall be open to Inspection without Fee or Reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times he shall for every such Offence be liable to a Penalty not exceeding Five Pounds,

XLVIII Bye Laws to be binding on all Parties.

All Bye Laws made and confirmed according to the Provisions of this and the special Act, when so published and put up, shall be binding upon and be observed by all Parties, and shall be a sufficient Warrant for all Persons acting under the same.

XLIX Proof of Publication of Bye Laws.

The Production of a written or printed Copy of the Bye Laws requiring Confirmation by the Court of Quarter Session or the Sheriff, authenticated by the Signature of the Judge or of the Chairman of the Court or the Sheriff who shall have approved of the same, and requiring Approval under the Hand of One of Her Majesty's Principal Secretaries of State, and a written or printed Copy of the Bye Laws not requiring such Confirmation or Approval, authenticated by the Common Seal of the Undertakers if they be a Body Corporate, or under the Hands of the Undertakers if not incorporated, or any Two of than, shall be Evidence of the Existence and mating of such Bye Laws in all Cases of Prosecution under the same, without Proof of the Signature of such Judge, Chairman, or Sheriff, or such Secretary of State, or the Common Seal or Signature of the Undertakers ; and with respect to the Proof of the Publication of any such Bye Laws, it shall be sufficient to prove that a painted Board containing a Copy thereof was put up and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Bye Laws, or was not duly put up or continued as directed by this Act.

*Accounts***L Annual Account to be made up by the Undertakers, and transmitted to the Clerk of the Peace in England or Ireland, or to the Sheriff Clerk in Scotland, and to be open to Inspection. Penalty on Omission to prepare such Account.**

And with respect to the Receipts and Expenditure of the Undertakers, be it enacted, That the Undertakers shall in every Year cause an annual Account in abstract to be prepared, showing the whole Receipt and Expenditure of all Rents and other Monies levied by virtue of this or the special Act for the Year ending the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited or certified by the Chairman of the Undertakers, and by the Auditors, if any, and shall send a Copy of the said Account, free of Charge, to the Clerk of the Peace in *England* and *Ireland*, and the Sheriff Clerk in *Scotland*, of the County in which the Market or Pair is situate, on or before the Expiration of One Month from the Day on which such Accounts shall end, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection; and if the Undertakers omit to prepare or send such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

LI Tender of Amends.

And with respect to the Tender of Amends, be it enacted, That if any Person shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Person make Tender of sufficient Amends to the Person injured, such last-mentioned Person shall not recover in any such Action; and if no such Tender have been made the Defendant may, by Leave of the Court where such Action is pending, at any Time before Issue joined, pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Recovery of Damages and Penalties

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matters referred to Justices in *England* or *Ireland*, and to the Sheriff or Justices in *Scotland*, be it enacted as follows:

LII Railways Clauses Consolidation Acts, 1845, as to Damages, &c. to be incorporated with this and the special Act.

If the Market or Fair be in *England* or *Ireland* the Clauses of the Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with this and the special Act; and if the Market or Fair be in *Scotland* the Clauses of the Railways Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Recovery of Damages not specially provided, for, and Penalties, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act; and such Clauses shall apply to the

Market or Fair and the Undertakers respectively, and shall be construed as if the Word "Undertakers" had been inserted therein instead of the Word "Company."

LIII In Ireland Part of Penalties to be paid to Guardians of Unions.

Provided always, That in *Ireland*, in the Case of any Penalty imposed by Justices, where the Application is not otherwise provided for, such Justices may award not more than One Half of such Penalty to the Informer, and shall award the Remainder to the Guardians of the Poor of the Union within which the Offence shall have been committed, to be applied in aid of the Poor Rates of such Union.

LIV Nothing in this or the special Act to affect the Rights of the Crown.

And be it enacted, That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's Duties of Customs or Excise, or any other Revenue of the Crown, or to extend to or affect any Claim of Her Majesty in right of Her Crown, or otherwise howsoever, or any Proceedings at Law or in Equity by or on behalf of Her Majesty, in any Part of the United Kingdom of *Great Britain* and *Ireland*.

LV All Things required to be done by Two Justices in England and Ireland may, in certain Cases, be done by One, and in Scotland by the Sheriff, &c.

All Things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by Two Justices, may and shall be done in *England* and *Ireland* by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices, and in *Scotland* by the Sheriff or Steward of any County, Stewartry, or Ward, or his Substitute.

LVI Penalties, &c. imposed in respect of any Offence committed within the Metropolitan Police District to be paid to the Receiver, and applied under 2 & 3 Vict. c.71.

Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*; and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined, and such Witnesses shall be entitled to the same Allowance of Expences, as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

LVII Penalty for giving false Evidence.

Every Person who upon any Examination upon Oath under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Access to special Act

And with respect to Access to the special Act, he it enacted as follows:

LVIII Copies of special Act to be kept by Undertakers at their Office, and deposited with the Clerks of the Peace, &c. and be open to Inspection.

The Undertakers shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them, and shall also within the Space of such Six Months deposit in the Office of the Clerk of the Peace of the County in *England* or *Ireland*, and in the Office of the Sheriffs Clerk of the County in *Scotland*, in which the Undertaking is situate, a Copy of such special Act so printed as aforesaid 5 and the said Clerk of the Peace and; Sheriff Clerk shall receive, and they and the Undertakers respectively- shall keep, the said Copies of the special Act, and shall allow all Persons interested therein to inspect the same, and make Extracts or, Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case; of certain Plans and Sections by an Act passed in; the First Year of the Reign of Her Majesty, intituled *An Act to compel Clerks, of the Peace for Counties, and-other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of Either House of Parliament.*

LIX Penalty on Undertakers failing to keep or de-deposit such Copies.

If the Undertakers fail to keep or deposit, as herein-before mentioned, any of the said Copies of the special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

LX Act may be amended, &c.

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.