



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. lxxi.

An Act for establishing a Market in the Parish of
Saint Mary-le-bone in the County of *Middlesex*.
[29th May 1830.]

WHEREAS the Inhabitants of the Parishes of *Saint Mary-le-bone* and *Paddington*, and Places adjoining, labour under great Inconvenience in not having a Market: And whereas *Edward Berkeley Portman* Esquire claims to be seised of or entitled to, in Fee Simple, a Piece or Parcel of Ground situate within the District of *Christchurch* in the said Parish of *Saint Mary-le-bone*, well calculated for the Site or Area of a Market: And whereas it would be greatly to the Advantage of the Inhabitants of the said Parishes and Places adjoining if a Market were to be established on the said Piece or Parcel of Ground under proper Rules and Regulations; but the same cannot be effected without the Authority and Aid 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 from and after the passing of this Act it shall be lawful for the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the Piece or Parcel of Ground herein-before mentioned, to open and establish a Market, to be called "*Portman Market*," upon the said Piece or Parcel of Ground herein-before mentioned, within the District of *Christchurch* in the Parish of *Saint Mary-le-bone* in the County of *Middlesex*, and which said Piece or Parcel of Ground is bounded on the North by *Princess*

A Market may be established by Mr. Portman, his Heirs or Assigns, in the Parish of St. Mary-le-bone.

[Local.]

25 X

Street,

Street, on the South by New Church Street, on the East by Salisbury Street, and on the West by Carlisle Street, and to divide, arrange, and appropriate the said Piece or Parcel of Ground in such Manner, and upon or under the same to erect and build such Erections and Buildings, and to form and make such Vaults and Cellars, and to erect and make such Reservoirs and Cisterns for the Purpose of holding Water for the Supply of the said Market, and to lay down, upon or under the said Piece or Parcel of Ground, and any of the adjoining Streets, Roads, or Places, such Pipes for conducting the Water to supply the said Market, and from Time to Time to make such Alterations in the Division, Arrangement, and Appropriation of the said Piece or Parcel of Ground, and such Repairs, Amendments, or Alterations of or in the Shops, Erections, and Buildings for the Time being thereon, and of or in the Vaults and Cellars for the Time being under the same, and of or in the Reservoirs and Cisterns for the Time being upon or under the same, and of or in the Pipes for conducting the Water to supply the said Market, and generally from Time to Time to do and perform all such other Acts, Deeds, and Things as shall appear to the said Edward Berkeley Portman, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to be necessary, proper, or advisable for the Establishment of the said Market, and for the Preservation, Support, and Continuance thereof; and the Market to be opened and established as herein-before is mentioned shall be a Market for the Sale of Meat, Fish, Poultry, Meal, Flour, Butter, Cheese, and other Articles of Food, Hay, Straw, Grass, Vetches, Fruit, Vegetables, Plants, Flowers, Roots, Seeds, Herbs, Glass, Earthenware, and Crockery, and all such other Articles and Things (Cattle and Grain only excepted) as the said Edward Berkeley Portman, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall, by Notice to be painted on Boards in legible Characters, and put up and kept exposed to public View in some conspicuous Part of the said Market, direct.

Buildings in the Market not to be subject to the Provisions of 14 G. 3. c. 78. relating to Party Walls, &c.

II. Provided always, and be it further enacted, That for preserving Uniformity in the Erections and Buildings hereby authorized to be made, and for preventing the Roofs thereof from being intersected by the Division Walls to be made therein, such Erections and Buildings shall not be subject to the Provisions of an Act passed in the Fourteenth Year of the Reign of His late Majesty King George the Third, intituled, *An Act for the further and better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire within the Cities of London and Westminster and the Liberties thereof, and other the Parishes, Precincts, and Places within the Weekly Bills of Mortality, the Parishes of Saint Mary-le-bone, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the County of Middlesex; and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to the Law; and such Provisions, or any of the Clauses contained in such Act, shall not be applied or enforced with respect to the Erections and Buildings to be made under this Act.*

III. And

III. And be it further enacted, That it shall be lawful for the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to let the Erections and Buildings, comprising Shops, Rooms, Store-rooms, and Warehouses, for the Time being standing or being upon the said Plot or Parcel of Ground, and also the Vaults and Cellars for the Time being within or under the said Piece or Parcel of Ground, to such Persons as shall be desirous of taking the same, for such Terms or Periods and at such Rents as the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall think fit; and in any Lease or Leases to be granted under this Power it shall be lawful for the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, notwithstanding any thing herein-before contained to the contrary, to give the Lessee or Lessees Power to expose for Sale and sell in any Erection or Building or Erections or Buildings comprised in such Lease or Leases any Article or Thing or Articles or Things besides those for the Time being saleable in the said Market under the Provisions of this Act.

Power to lease the Buildings in the Market.

IV. And be it further enacted, That for the sake of Distinction, all the Stands in that Part of the said Market which for the Time being shall be appropriated for Waggon and Carts shall be called "Waggon or Cart Stands," and all the other Stands in the said Market shall be called "Sale Stands."

Distinction of Stands in the Market.

V. And be it further enacted, That it shall be lawful for the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to let any Sale Stand in the said Market at any Rent, not exceeding the Rent specified in the Schedule to this Act in regard to such Stand, as the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall think fit.

Power to let Sale Stands.

VI. And be it further enacted, That it shall be lawful for the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take, or cause to be demanded and taken, of and from the Person or any One or more of the Persons who shall bring to the said Market any Waggon or Cart containing any Articles or Things whatsoever, whether such Articles or Things shall be exposed for Sale in the said Waggon or Cart, or shall be placed, pitched, or exposed for Sale on any Waggon or Cart Stand, a Toll or Tolls not exceeding the Sum or Sums specified in the Schedule to this Act with respect to such Waggon or Cart, or the Contents thereof.

Power to take Tolls for Waggon, &c.

VII. And be it further enacted, That it shall be lawful for the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to erect and appoint One or more House or Place, Houses or Places, in the said Market, as he or they shall from Time to Time think proper, for weighing

Weighing Places, with Scales, Measures, &c. to be provided.

weighing or measuring such Articles and Things sold or exposed for Sale in the said Market as shall be bought or sold by Weight or Measure, and also to provide and keep a proper and sufficient Machine or Machines, and proper and sufficient Weights, Scales, and Measures, according to the respective Standard Weights and Measures in the Exchequer at *Westminster*, established by Two several Acts, the one passed in the Fifth Year of the Reign of His present Majesty, 5 G. 4. c. 74. intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*, and the other passed in the Sixth Year of the Reign of His said present Majesty, 6 G. 4. c. 12. intituled *An Act to prolong the Time of Commencement of an Act of the last Session of Parliament for ascertaining and establishing Uniformity of Weights and Measures, and to amend the said Act*, at such House or Place, Houses or Places, and to appoint some proper Person or Persons to attend the same respectively 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 every Person selling any Article or Thing or Articles or Things by Weight or Measure in the said Market shall weigh or measure the same at such House or Place, Houses or Places as aforesaid, in or by the said Machine or Machines, Weights, Scales, or Measures, if required so to do by the Buyer of the same Article or Thing or Articles or Things; and in order to defray the Expences of providing the said Machine or Machines, Weights, Scales, and Measures as aforesaid, and of a proper Person or Persons to attend the same as aforesaid, there shall be paid by the Buyer requiring any Article or Thing or Articles or Things to be weighed or measured as aforesaid a Toll or Tolls for such weighing or measuring not exceeding the Sum or Sums specified in the Schedule to this Act; and it shall be lawful for the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take, or cause to be demanded and taken, such Toll or Tolls accordingly.

The Times when Rents and Tolls shall be payable.

VIII. And be it further enacted, That every Rent by this Act or by the Schedule hereto authorized to be demanded and taken for any Sale Stand within the said Market may, at the Discretion of the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, be payable in advance; and every Toll by this Act or by the Schedule hereto authorized to be demanded and taken (except the further Tolls to be demanded and taken for Waggon and Carts containing Hay, Straw, Grass, or Vetches, in case such Articles shall be sold in the said Market, and except the Tolls to be taken for weighing and measuring,) shall be payable immediately on the Waggon or Cart, or the Contents of such Waggon or Cart, in respect whereof such Toll is authorized to be demanded and taken, being placed on any Waggon or Cart Stand; and the said further Tolls to be demanded and taken for Waggon and Carts containing Hay, Straw, Grass, or Vetches, in case of the Sale of such Articles in the said Market, shall be payable immediately on such Sale; and the Tolls for weighing or measuring shall be payable immediately on the Completion of such weighing or measuring; and a List of the Rents and Tolls for the Time being to be demanded and taken within the said Market shall, within

Fourteen Days previously to the opening of the said Market, be painted on Board in legible Characters, and put up and exposed to public View in some conspicuous Part of the said Market, and the same shall from Time to Time be renewed, replaced, or altered when and so often as the same shall be obliterated or defaced, or any Change shall take place in the Rate of the Rents and Tolls, or any of them; and no increased Rate of Rent or Toll shall at any Time be demanded and taken unless such increased Rate of Rent or Toll, and the Intention to demand and take the same, shall have been painted on Board in legible Characters, and put up and exposed to public View in some conspicuous Part of the said Market for Fourteen successive Days at least before demanding and taking the same.

IX. And be it further enacted, That if any Person or Persons who shall hold, use, or occupy any Sale Stand within the said Market, shall refuse to pay the Rent due or payable for such Stand, or if any Person or Persons who shall bring to the said Market any Waggon or Cart containing any Articles or Things whatsoever, whether such Articles or Things shall be exposed for Sale in such Waggon or Cart, or shall be placed, pitched, or exposed for Sale on any Waggon or Cart Stand within the said Market, shall refuse to pay the Toll or Tolls due or payable for such Waggon or Cart, or the Contents thereof, it shall be lawful for the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or any other Person or Persons authorized by him or them so to do, to levy and recover such Rent or Toll or Tolls by Distress and immediate Sale of a sufficient Part of any Articles or Things at any Time found on any such Stand or in any such Waggon or Cart as aforesaid, returning or paying, on Demand, to the Person or any One or more of the Persons on whose Stand or on whose Waggon or Cart or from whose Charge the same Articles or Things shall have been distrained, the Overplus, if any, of the Articles or Things distrained, or of the Money arising from the Sale thereof; and in case any Dispute or Difference shall arise concerning or in consequence of any such Distress or Sale, such Dispute or Difference shall and may be settled and determined by any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex*, who is or are hereby empowered and required to summon the Parties before him or them, and to hear and determine upon Oath the Matter of any Complaint which may be made concerning or in consequence of such Distress or Sale, and to make such Order therein, and award such Costs to either Party, as to such Justice or Justices shall in his or their Discretion seem meet, and by Warrant under his or their Hand and Seal or Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, of the Goods and Chattels distrained, or of the Money arising from the Sale thereof, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such last-mentioned Distress and Sale.

Recovery of Rents, Tolls, &c. by Distress and Sale of Articles;

X. Provided always, and be it further enacted, That nothing in this Act contained shall hinder or prevent the said *Edward Berkeley Portman*,
 [Local.] 25 Y or by Action at Law.

Portman, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or any of them, from suing for and recovering, in any of His Majesty's Courts of Record at *Westminster*, any Sum or Sums of Money whatsoever which shall become due or payable to him, them, or any of them, as or for or in respect of any Rent or Toll which shall be due or payable for or in respect of any Stand in the said Market, or for or in respect of any Waggon or Cart which shall be brought to the said Market, or the Contents thereof, or for or in respect of the weighing or measuring of any Articles or Things in the said Market.

Penalty on Seller refusing to weigh and measure, and on Buyer refusing to pay Tolls.

XI. And be it further enacted, That if any Seller of any Article or Thing or Articles or Things which shall be sold by Weight or Measure in the said Market shall refuse or neglect to weigh or measure the same at, by, and with the Machine or Machines, Weights, Scales, or Measures, to be so provided as aforesaid, upon being required so to do by the Buyer or Buyers of such Article or Thing or Articles or Things, or if the Buyer or Buyers of any Article or Thing or Articles or Things which shall be so weighed or measured as aforesaid shall refuse or neglect to pay the Toll or Tolls due or payable for such weighing or measuring, the Person or Persons in either Case so refusing or neglecting shall forfeit and pay, by way of Penalty for every such Refusal or Neglect, any Sum not exceeding Ten Shillings.

Power to make Bye Laws, &c.

XII. And be it further enacted, That it shall be lawful for the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to make, constitute, provide, and ordain Rules, Orders, and Bye Laws, (not inconsistent with or repugnant to the Directions or Provisions contained in this Act, or to or with any Law or Statute of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*;) for fixing the Times at which any particular Articles or Things shall be brought to or exposed for Sale in the said Market, and for fixing the Hours for commencing and closing the said Market on each Day, and for the Arrangement and Division of the said Market, and for the placing in the said Market of the Waggon and Carts bringing or taking away any Articles or Things to or from the said Market, and for the placing in the said Market of the Articles and Things brought to the same for Sale, and for the cleansing of the said Market, and for the letting, occupying, holding, and using of the Stands there; and for the regulating, ordering, and governing of the said Market, and for the regulating, ordering, and governing, so far as relates to the said Market, all Persons having or seeking for any Business or Employment in the said Market; and in such Rules, Orders, and Bye Laws to fix and specify what pecuniary or other Penalties and Forfeitures shall be incurred by any Person breaking the same, or any of them, provided that no such pecuniary Penalty or Forfeiture shall exceed the Sum of Five Pounds for One Offence; all which Rules, Orders, and Bye Laws so to be made from Time to Time as aforesaid all Persons whom it may concern are hereby required to observe and keep, under such Penalties and Forfeitures respectively as shall be so ascertained, fixed, and specified as aforesaid;

and all such Rules, Orders, and Bye Laws shall be signed by the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and a Copy thereof shall be painted on Board in legible Characters, and put up and exposed to public View in some conspicuous Part of the said Market; and the same shall from Time to Time be renewed and replaced when and as often as the same shall be added to or amended or altered, or obliterated or defaced: Provided always, that an Appeal against all Convictions for any Penalties or Forfeitures imposed by virtue of such Rules, Orders, and Bye Laws, or any of them, may be made to the Justices at the General or Quarter Sessions, in like Manner as is herein-after provided or mentioned with respect to any other Matter of Appeal.

XIII. And be it further enacted, That it shall be lawful for the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to appoint such Clerks, Collectors, and other Persons for the Purpose of effecting all or any of the Objects of this Act as the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, shall think fit; and from Time to Time to remove such Clerks, Collectors, or other Persons, or any of them, and out of the Monies to arise under or by virtue of this Act, or otherwise, to make such Allowances to such Clerks, Collectors, or other Persons respectively, as the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, shall think proper.

Officers to
be appointed.

XIV. And be it further enacted, That if any Person shall assault, hinder, or obstruct any Tenant of the said Market, or any Collector of the Rents or Tolls by this Act authorized to be taken, or other Person authorized to receive the same, or any Person employed by the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to superintend and regulate the said Market or to keep Order therein, every Person offending in any of such Cases shall forfeit and pay, by way of Penalty, any Sum not exceeding Five Pounds for every such Offence.

Penalty on
obstructing
Officers, &c.
in execution
of the Act.

XV. And be it further enacted, That if any Person 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 within the said Market, or shall commit or suffer to be committed any Nuisance whatsoever within the said Market, or shall wilfully, carelessly, or negligently destroy, damage, or injure, or cause to be destroyed, damaged, or injured, any Erection, Building, Material, Article, or Thing of what Kind or Description soever within the said Market, every Person so offending shall for every such Offence forfeit and pay, by way of Penalty, any Sum not exceeding Five Pounds, and shall in every Case in which his or her Offence shall be any Destruction, Damage, or Injury of or to any Erection, Building, Material, Article, or Thing within the said Market, in addition to such Penalty, pay to the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being as aforesaid,

Penalty for
committing
Nuisances,
and doing
Damage in
the Market.

or other the Party injured, such a Sum as a Compensation for the Destruction, Damage, or Injury for the Time being committed or done, as the Justice or Justices for the County of *Middlesex* by or before whom the Offender shall have been convicted shall in that Behalf award and determine.

Penalty on Tenants of Market for obstructing the cleansing thereof.

XVI. And be it further enacted, That if any Tenant of the said Market, or any other Person whomsoever, shall wilfully obstruct or hinder the Owner or Owners for the Time being of the said Market, or his or their Servants, or any Person by them employed for that Purpose, in the sweeping or cleansing of the said Market, or any Part thereof, or in the taking or carrying away of any Dust, Dirt, Rubbish, Offal, Dung, Soil, or other Filth whatsoever found therein, every Person so offending shall for every such Offence forfeit and pay, by way of Penalty, any Sum not exceeding Forty Shillings.

Penalty for preventing Tenants cleansing the Market.

XVII. And be it further enacted, That if any Person (except the Owner or Owners for the Time being of the said Market, or any Person acting under his, her, or their Authority,) shall wilfully hinder or obstruct any Tenant or Tenants of the said Market for the Time being, or his, her, or their Servants, or any Person by him, her, or them employed for that Purpose, in the sweeping or cleansing of the said Market or any Part thereof, or in the taking or carrying away of any Dust, Dirt, Rubbish, Offal, Dung, Soil, or other Filth whatsoever found therein, every Person (except as before mentioned) so offending shall for every such Offence forfeit and pay, by way of Penalty, any Sum not exceeding Forty Shillings.

Unwholesome Meat may be destroyed.

XVIII. And be it further enacted, That if any Person or Persons shall sell or expose for Sale in the said Market any Meat, Fish, or other Provisions which shall be of an unwholesome Nature, or in a State improper for Human Food, it shall be lawful for any Clerk, Collector, or other Person appointed under the Authority of this Act, and such Person or Persons as he shall call to his Assistance, without any other Authority than this Act, to seize and destroy, or cause to be seized and destroyed, such Meat, Fish, and other unwholesome Provisions as aforesaid; and every Person selling or exposing for Sale any such Meat, Fish, or other Provisions as aforesaid shall, in addition to the Forfeiture thereof, for every Offence forfeit and pay, by way of Penalty, any Sum not exceeding Five Pounds.

Power to cause the Sale of particular Commodities to be discontinued.

XIX. And be it further enacted, That it shall be lawful for the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, at any Time or Times hereafter, by any Rule, Order, or Bye Law, to order and direct (but without Prejudice to the Rights of the Lessee or Lessees of any Erection or Building or Erections or Buildings in the said Market, his, her, or their Executors, Administrators, and Assigns,) that any of the Articles and Things for the Time being saleable in the said Market shall cease to be any longer sold in the said Market; and in case and so often as any Rule, Order, or Bye Law shall be made for discontinuing the Sale of any of such Articles or Things as aforesaid, the said *Edward Berkeley Portman*, his Heirs or Assigns, or the

Owner

Owner or Owners for the Time being of the said Market, shall cause a Board to be fixed up in some conspicuous Part of the said Market, notifying the Article or Thing or Articles or Things the Sale of which shall be so ordered to be discontinued, and the Day on which such Discontinuance shall take effect; and from the Day so notified the said Market shall (but without Prejudice as aforesaid) cease to be a Market for the Sale of the Article or Thing or Articles or Things specified in such Notice, until the Rule, Order, or Bye Law to be so made shall at any Time afterwards be altered or rescinded by the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market: Provided always, that no Person shall incur any Penalty for the selling or exposing for Sale in the said Market of any Article or Thing to which any such Rule, Order, or Bye Law shall relate, unless such Rule, Order, or Bye Law shall have been notified, in manner aforesaid, at least Two clear Market Days before the Day on which such Sale or Exposure for Sale shall take place.

XX. And be it further enacted, That if any Person or Persons (not being a Lessee or Lessees authorized so to do, his, her, or their Executors, Administrators, or Assigns,) shall sell or expose for sale in the said Market, any Article or Thing which shall not for the Time be saleable therein according to the Provisions of this Act, or shall sell or expose for Sale in the said Market any Article or Thing at any other Time or in any other Part of the said Market than that appointed by the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, for the Sale of such Article or Thing, every Person so offending shall for every such Offence forfeit and pay, by way of Penalty, any Sum not exceeding Ten Pounds.

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

XXI. And be it further enacted, That it shall be lawful for any Clerk, Collector, or other Person appointed under the Authority of this Act, and such Person or Persons as shall act by his Direction, without any other Authority than this Act, to seize and take into Custody any Person who shall commit any Offence against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, and to carry such Offender before any Justice or Justices of the Peace for the County of *Middlesex*; and every Offender so seized and taken into Custody shall be considered as seized and taken into Custody by or by the Direction of one of the Persons duly appointed under this Act to carry the Objects thereof into effect, and it shall not be necessary to prove to the Justice or Justices before whom such Offender shall be carried whether or not the Person by whom or by whose Direction the Offender was seized and taken into Custody was duly appointed under this Act.

For securing Offenders.

XXII. And be it further enacted, That in every Case in which any Person shall offend against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, Information against such Person of the Offence committed by him or her may be given to any One or more of His Majesty's Justices of the Peace for the County of *Middlesex*; and upon such Information being given, such Justice or Justices is or are hereby authorized and required to

Power to Justices to summon Offenders, and to convict upon Summons.

summon before him or them the Party complained against, and upon the Offender being brought before him or them to hear and determine the Matter of Complaint against such Offender, and on Proof of the Offence to convict the Offender, and adjudge him or her to pay the Penalty or Forfeiture which he or she may have incurred; and all such Proceedings by Summons shall be valid and effectual to all Intents and Purposes, whether the Information upon which such Summons was granted was in Writing or not.

Justices may
convict
Offenders
brought be-
fore them
without Sum-
mons.

XXIII. And be it further enacted, That in every Case in which any Person offending against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, shall by virtue of the Powers contained in this Act, or any of them, be seized and carried before any Justice or Justices of the Peace for the County of *Middlesex*, the Justice or Justices before whom such Offender shall be carried is or are hereby authorized and required to hear and determine the Matter of Complaint against such Offender, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture which he or she may have incurred.

Recovery
and Applica-
tion of Pe-
nalties.

XXIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule, Order, or Bye Law made in pursuance thereof, may, in all Cases of Nonpayment thereof, upon Conviction before any Justice or Justices of the Peace for the County of *Middlesex*, be recovered in a summary Way by the Order and Adjudication of such Justice or Justices, or of some other Justice or Justices of the Peace for the said County of *Middlesex*, and levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders liable to pay the same, by Warrant under the Hand and Seal of such Justice or Justices; and the Overplus (if any) of the Money so in every Case raised or recovered, after discharging the Penalty or Forfeiture, and the Costs as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures shall be paid, One Half to the Informer, and the Remainder to the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market; and in case any Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he or they is or are hereby authorized and required, to order any Offender so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice or Justices for his or her Appearance before such Justice or Justices, or before some other Justice or Justices of the Peace having Jurisdiction, on such Day as shall be appointed for the Return of any such Warrant of Distress, (such Day not being more than Five Days from the taking of such Security,) and which Security any One or more of the said Justices is or 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 Penalty or Forfeiture and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the

said Justice or Justices, upon the Confession of the Offender or otherwise, that he or she hath not sufficient Goods and Chattels, whereupon such Penalty or Forfeiture and Costs could be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress, but in such Case it shall be lawful for such Justice or Justices, and he or they is or are hereby required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the said County of *Middlesex*, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or until such Offender shall otherwise be discharged by due Course of Law.

XXV. And be it further enacted, That in every Case in which any Sum which by virtue of this Act shall be awarded or determined by any Justice or Justices as a Compensation for any Destruction, Damage, or Injury, shall not be paid on the Conviction of the Offender, the Justice or Justices who shall have so awarded or determined, or any other Justice or Justices for the said County of *Middlesex*, is or are hereby authorized and required to cause such Sum to be levied and paid by Distress and Sale of the Offender's Goods and Chattels, in the same Manner precisely as is by this Act directed in regard to the levying and Payment of Penalties and Forfeitures.

Damages and Costs to be recovered in the same Manner as Penalties.

XXVI. Provided always, and be it further enacted, That if the said *Edward Berkeley Portman*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, shall at any Time or Times demise or lease the said Market, or the Site thereof, or of any Part thereof, and of all or any of the Erections and Buildings to be erected and built on the said Site, to any Person or Persons, the Lessee or Lessees thereof, and his, her, or their Executors, Administrators, or Assigns, shall, during the Term of his, her, or their Lease, but subject to such Exceptions or Restrictions, if any, as may be expressly contained in any such Lease, have and enjoy the respective Rents and Tolls authorized to be taken by this Act, and such of the Penalties and Forfeitures or Parts of Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule, Order, or Bye Law made in pursuance thereof, as the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, would have been entitled to if such Lease had not been made; and shall also, during the Term of his or her Lease, have and enjoy all the Powers, Privileges, and Advantages, and be subject to all the Obligations, in respect of the said Market, which the said *Edward Berkeley Portman*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, would have had and enjoyed or been subject to, by virtue of this Act or otherwise, if such Lease had not been made.

If Lease be made of the Market, the Lessee to have the same Powers, &c. as Mr. Portman, his Heirs, &c.

XXVII. And be it further enacted, That the Justice or Justices of the Peace before whom any Person shall be convicted for or in respect of any Offence against this Act may cause the Conviction of such

Form of Conviction.

such Person to be drawn up according to the Form or to the Effect following; (that is to say,)

‘ } BE it remembered, That on the Day of
 ‘ to wit. } in the Year of our Lord A.B. is con-
 ‘ victed before me C.D., one of His Majesty’s Justices of the Peace
 ‘ for of [specifying the Offence, and the
 ‘ Time and Place when and where the same was committed, as the Case
 ‘ may be], contrary to an Act passed in the Eleventh Year of the
 ‘ Reign of King George the Fourth, intituled [here set forth the Title
 ‘ of this Act]. Given under my Hand and Seal the Day and Year
 ‘ first above written.’

Distress not
 unlawful for
 Want of
 Form.

XXVIII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor any Party making the same deemed a Trespasser, on account of any Defect or Want of Form in any of the Proceedings relating thereto, nor shall such Party be deemed a Trespasser *ab initio*, on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for the special Damage only in an Action on the Case.

Persons ag-
 grievd may
 appeal to
 Quarter Ses-
 sions.

XXIX. And be it further enacted, That all Bodies and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice or Justices of the Peace acting under the Authority of this Act, may, within Six Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County where the Cause of Appeal shall happen to arise, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith, after such Notice, entering into Recognizance before some Justice or Justices of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, or may order any Money to be returned which shall have been levied in pursuance of such Rule, Order, Judgment, or Determination, and may also order any such further Satisfaction to be made to the Party injured, as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment shall think just and reasonable.

Authenticat-
 ed Bye Laws
 to be Evi-
 dence.

XXX. Provided always, and be it further enacted, That in every Case of a Prosecution for an Offence against any Rule, Order, or Bye Law which may be made in pursuance of this Act, the Production of a written or printed Paper, purporting to contain such Rule, Order, or Bye Law, and authenticated by having the Signature or Seal of
 the

the Owner or Owners for the Time being of the said Market affixed thereto, shall be Evidence of the Existence of such Rule, Order, or Bye Law ; and Evidence of a Board having been duly put up and exposed to public View in some conspicuous Part of the said Market, purporting to contain a Copy of the Rules, Orders, and Bye Laws for the Time being in force relative to the said Market, or any of them, shall be sufficient to prove that such Board contains a true Copy of the Rules, Orders, and Bye Laws purported to be contained therein, and also to prove that the same Board has been continued exposed to public View according to the Provisions of this Act, unless satisfactory Evidence shall be adduced to the contrary by the Defendant in any such Prosecution.

XXXI. And be it further enacted, That no Conviction, or any Order or Determination on any Appeal in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or removable into any of His Majesty's Courts of Record at *Westminster* by Certiorari, or any other Writ or Process whatsoever ; any Law, Statute, or Usage to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form.

XXXII. Provided always, and be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of or contrary to this Act, or any Rule, Order, or Bye Law which may be made in pursuance thereof, unless Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action or Suit to the intended Defendant or Defendants, nor unless such Action or Suit shall be brought or commenced within Six Calendar Months next after the Cause of such Action or Suit shall have originated, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action or Suit shall be laid and brought in the County where the Cause thereof shall arise ; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the Authority of this Act ; and if it shall appear to have been so done, or that such Action or Suit shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants ; and upon their Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Limitation
of Actions.

XXXIII. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in execution of this Act, if Tender of sufficient Amends shall have been made by or on

Plaintiff not
to recover
after Tender
of Amends.

[*Local.*]

26 A

behalf

behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or she shall think fit, where upon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

General
Power to
Justices to
administer
Oaths.

XXXIV. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take Cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he or she shall be examined by or before such Justice.

Saving Rights
of the Vestry-
men of the
Parish of
St. Mary-le-
bone.

XXXV. Provided always, and it is hereby declared and enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Vestrymen of the Parish of *Saint Mary-le-bone* in the County of *Middlesex*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

Saving Right
of Commis-
sioners of
Sewers.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

Saving the
Rights of the
West Middle-
sex Water
Works.

46G.3. c.119.

50G.3. c.132.

53 G. 3. c.36.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Company of Proprietors of the *West Middlesex Waterworks* by a certain Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for supplying with Water the Inhabitants of Kensington, Hammersmith, Brentford, Battersea, Putney, Richmond, and several other Parishes and Places in the Counties of Middlesex and Surrey*; and also by a certain other Act passed in the Fiftieth Year of the Reign of His said late Majesty, intituled *An Act to enable the Company of Proprietors of the West Middlesex Waterworks to raise a further Sum of Money, and to alter, vary, amend, and enlarge the Powers of the Act passed in the Forty-sixth Year of His present Majesty, for making the said Waterworks, and for extending the same*; and also by a certain other Act passed in the Fifty-third Year of the Reign of His said late Majesty, intituled *An Act to authorize the Company of Proprietors of the West Middlesex Waterworks to raise a further Sum of Money for enabling them more effectually to carry on their*

their Works ; but that all the Rights, Powers, and Authorities vested in them by all or either of the said recited Acts shall be as good, valid, and effectual as if this Act had not been made.

XXXVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than the said *Edward Berkeley Portman*, his Heirs and Assigns,) all such Estates, Rights, Titles, Interests, Powers, Authorities, Claims, and Demands whatsoever as they or any of them had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not been made. General Saving.

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

The SCHEDULE to which the foregoing ACT refers ;

BEING

A SCHEDULE of the RENTS and TOLLS payable in PORTMAN MARKET.

	£	s.	d.
For every Waggon or Cart which shall be brought to the Market, and shall contain Hay, whether the same shall be sold in the Market or not, a Toll for every Load of Thirty-six Trusses, not exceeding - - - - -	0	0	4
And so in proportion for any greater or less Quantity than Thirty-six Trusses.			
And if all or any of the Contents of such Waggon or Cart shall be sold in the Market, a further Toll for such Waggon or Cart, not exceeding - - - - -	0	0	2
For every Waggon or Cart which shall be brought to the Market, and shall contain Straw, Grass, or Vetches, whether the same shall be sold in the Market or not, a Toll for every Load of Thirty-six Trusses or Bundles, not exceeding - - - - -	0	0	3
And so in proportion for any greater or less Quantity than Thirty-six Trusses or Bundles.			
And if all or any of the Contents of such Waggon or Cart shall be sold in the Market, a further Toll for such Waggon or Cart, not exceeding - - - - -	0	0	2
For every Waggon which shall be brought to the Market, and shall contain any Articles or Things, except Hay, Straw, Grass, or Vetches, whether the same shall be sold in the Market or not, a Toll not exceeding - - - - -	0	1	6
For every Cart which shall be brought to the Market, and shall contain any Articles or Things, except Hay, Straw, Grass, or Vetches, whether the same shall be sold in the Market or not, a Toll not exceeding - - - - -	0	0	10

	£	s.	d.
<p>If the Contents of any Waggon or Cart which shall be brought to the Market shall be placed or pitched on any Waggon or Cart Stand, the same Toll shall be paid for such Contents as would have been payable for the Waggon or Cart if the Contents thereof had been exposed for Sale in such Waggon or Cart.</p>			
<p>If any Waggon or Cart shall be brought to and remain in the Market, or the Contents thereof shall be placed or pitched and remain on any Waggon or Cart Stand for more than One Day, such further Toll for every other Day beyond the first Day shall be paid for every such Waggon or Cart, or the Contents thereof, as shall be equal to the Toll payable for such Waggon or Cart, or the Contents thereof, for the first Day on which the same shall have been brought to the Market, or placed or pitched on such Stand.</p>			
For every Sale Stand in the Market, not exceeding One hundred Square Feet superficial, a Rent per Day, not exceeding -	0	2	0
And for every Addition not exceeding One hundred Square Feet superficial, which shall be made to any Sale Stand beyond One hundred Square Feet superficial, a further Rent per Day, not exceeding -	0	2	0
<p>For every Sale Stand in the Market over the whole of which a Covering shall extend, there shall be paid, in addition to the Rent herein-before authorized to be taken for such Stand, such further Rent per Day as shall not exceed One Fourth Part of the Rent per Day herein-before authorized to be taken for the same Stand.</p>			
<p>For the weighing of any Article or Thing, or One entire Parcel of Articles or Things, a Toll—</p>			
If the same shall be One Draught only, not exceeding - -	0	0	1
But if the same shall be more than One Draught, then for each Draught, not exceeding - - - -	0	0	1
For the measuring of any Articles or Things by any Measure whatsoever, a Toll each Time the Measure is filled, not exceeding - - - - -	0	0	0½

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