



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. viii.

An Act for providing a Market Place, and for regulating the Markets and Fairs, in the Town and Borough of *Bury* in the County Palatine of *Lancaster*. [14th *May* 1839.]

WHEREAS the Town and Borough of *Bury* in the County Palatine of *Lancaster*, and the Neighbourhood thereof, have of late Years considerably increased and are still increasing in Population and Buildings, and the present Market Place has become so inadequate for the same that the Passage along the main Street and through the Market Place of the said Town and Borough is greatly obstructed, and rendered dangerous to the Inhabitants of the said Town and Borough, and also to Passengers and Travellers, by the Stalls and Standings placed therein on Market and Fair Days: And whereas the Right Honourable *Edward Stanley* Earl of *Derby*, Lord of the Manor of *Bury* in the said County Palatine of *Lancaster*, hath recently erected or caused to be erected within the said Town and Borough of *Bury*, at his own Expence, a new and spacious Market House, with convenient Shops therein, and ample Space within and around the same, for the Sale of all marketable Commodities: And whereas it would be a great Convenience and Advantage to the Inhabitants of the said Town and Borough of *Bury* and the Neighbourhood thereof, and to the Public at large, if the present Market were discontinued, and a new Market or Markets established in the said newly erected Market House, Grounds, and Premises, for

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the Sale of Fish, Poultry, Vegetables, and other Provisions, as well as of Live Cattle, Meat, Butter, Corn, Grain, Hay, and Straw, and other marketable Commodities usually sold in open Market, and if all necessary and sufficient Powers and Provisions were granted for regulating the said Markets and Fairs, and for appointing the Day or Days on which the same shall be held, and if the Tolls, Rates, or Duties now authorized to be demanded and taken were continued, increased, or altered; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when the said Market House, Grounds, and Premises shall be appropriated and set apart and ready to be opened for public Use the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, shall, by a printed Handbill or Advertisement, to be posted or circulated in the Town and Neighbourhood of *Bury* aforesaid, give Ten Days Notice of such Market House, Grounds, and Premises having been so appropriated and set apart and ready to be opened for public Use previous to the Day on which the same shall be so opened.

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

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

II. And be it further enacted, That from Time to Time and at all Times after the Expiration of Ten Days from the Day on which such Notice shall have been first published it shall and may be lawful for the said Earl, his Appointees, Heirs, and Assigns, or the Owner or Owners of the said Market for the Time being, to hold and keep an open and public Market in and upon the said newly erected Market House, Grounds, and Premises, for supplying the Inhabitants of the said Town and Neighbourhood with Meat, Fish, Poultry, Eggs, Butter, and other Provisions, and also for the Sale of Live Cattle, Horses, Sheep, and Pigs, and of Vegetables, Fruit, Flour, Meal, Malt, Hops, Seeds, Corn, Grain, Hay, Straw, and other Produce of Land, China, Glass, Earthenware, and all such other Articles, Goods, Wares, Merchandizes, and all other marketable Provisions and Commodities, and for buying and selling all or any such Articles, Goods, Wares, and Merchandize as aforesaid, upon such Day or Days as he or they shall from Time to Time order and appoint, with full Power and Authority for the said Earl, his Appointees, Heirs, and Assigns, or other the Owner or Owners of the said Market for the Time being, from Time to Time to remove, enlarge, vary, and alter the Form and Extent of the said Market, and to erect, build, and set apart a separate Market or separate Markets for Live Cattle, Horses, Sheep, and Pigs, or any of them, and all such Sheds, Pens, and other Conveniences, as he or they may think proper, at any Place or Places belonging to the said Earl, his Appointees, Heirs, or Assigns, within the said Town and Borough of *Bury*, and also to order and direct in what Place or Places so belonging as aforesaid within the said Town and Borough of *Bury* the ancient and accustomed Fairs shall be holden, and also by himself the said Earl, his Appointees, Heirs, Assigns, or Lessees, or the Owner or Owners of the said Market for the Time being, or his or their Agents, Collectors, Officers, or Ser-

vants,

vants, to ask, demand, recover, receive, and take of and from all and every Persons and Person exposing or offering for Sale or selling any Meat, Fish, Poultry, Eggs, Butter, or other Provisions, Live Cattle, Horses, Sheep, Pigs, Vegetables, Fruit, Flour, Meal, Malt, Hops, Seeds, Corn, Grain, Hay, Straw, or other Produce of Land, China, Glass, Earthenware, or other Articles, Goods, Wares, or Merchandize, Matters, or Things aforesaid, in any of the Markets or Fairs aforesaid, and for weighing and measuring the same respectively, or who shall rent, hire, or use any Building, Shed, Stall, or Standing Place, Bulk, Tressel, Block, or other Convenience, Standing Place, or Station, in any of the said Markets, the several Tolls, Duties, Stallages, Rents, or Sum or Sums of Money which shall at any Time, or from Time to Time, be fixed and appointed by him or them to be paid for the same, not exceeding the several Tolls, Duties, Stallages, Rents, or Sum or Sums of Money mentioned and specified in the Schedule to this Act annexed, any Charter, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and from and after the Expiration of the said Ten Days the said new or intended Market shall be and is hereby declared to be a Market for the Sale of the several Articles aforesaid, and all such other Articles, Matters, and Things as are usually bought and sold in open Market, in lieu and stead of the said present Market.

III. And be it further enacted, That it shall and may be lawful for the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, and he and they is and are hereby authorized and empowered, from Time to Time, when and as he and they shall deem it expedient, to appropriate and set apart any Messuage or Tenement, Land or Ground belonging to himself or themselves, or to contract and agree for the Purchase of, and to purchase, take, and hold to the said Earl, his Appointees, Heirs, Assigns, or Lessees, or the Owner or Owners of the said Market for the Time being, any House, Building, Land, or Ground, and thereon to erect any House or Building to be made use of as and for a Slaughterhouse for the slaughtering of Cattle, Beasts, and Swine; and it shall be lawful for the said Earl, his Appointees, Heirs, Assigns, or Lessees, or the Owner or Owners of the said Market for the Time being, to take such Tolls and Sums of Money for the slaughtering of Cattle, Sheep, Lambs, Calves, Beasts, and Swine within the said Slaughterhouse as he or they may think proper, not exceeding the several Tolls or Sums of Money mentioned or specified in the Schedule to this Act annexed: Provided always, that nothing in this Act contained shall extend to protect any Person, or any of the Servants, Officers, or Workmen of the said Earl, his Appointees, Heirs, Assigns, or Lessees, or any other Person whomsoever, from any Indictment or Prosecution for a public or private Nuisance in respect of any House or Building to be made use of as aforesaid, from any Action for any Injury or Damage done or sustained by reason of any of the Works aforesaid.

To enable Slaughterhouses to be built, and Tolls to be demanded.

IV. Provided always, and be it further enacted, That the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, shall from Time to Time cause to be

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

be painted on Boards, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, upon a conspicuous Place or conspicuous Places in the said Market Place, in large and legible Characters, an Account or List of the several Tolls, Duties, Rents, and Stallages which he or they shall from Time to Time direct and appoint to be taken.

Discontinu-
ance of the
present Mar-
ket, and Re-
strictions in
Sale of Pro-
visions out of
Market Place.

Not to pre-
vent Persons
selling in
their own
Shops or
Houses.

No Goods to
be sold by
Auction in
the Streets.

Power to
lease Market
Place, Tolls,
&c.

V. And be it further enacted, That when and so soon as the said new Market Place shall be opened for public Use the present Market for the Sale of Meat, Fish, Poultry, Eggs, Butter, Vegetables, Fruit, and other Provisions, Corn, Grain, Hay, Straw, and also for buying and selling Goods, Wares, and Merchandize, as now held in the said Market Place, and in the open Streets and on the Foot Pavements in the said Town, shall be removed therefrom and wholly discontinued; and if any Person or Persons shall thereafter sell or expose to Sale in the open Streets on the Foot Pavements of the said Town, or in any Lane, Court, Shed, or covered Way adjoining to the public Thoroughfares, so as in any way to obstruct or impede the said Thoroughfares, and except as herein-after mentioned, any Meat, Fish, Poultry, Pigeons, Eggs, Butter, Vegetables, Fruit, or other marketable Provisions, or any Corn, Grain, Hay, Straw, Goods, Wares, or Merchandize usually sold in open Market, every Person shall for every such Offence, on Conviction before One or more Justice or Justices of the Peace for the said County of *Lancaster*, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after mentioned: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any marketable Commodities, Goods, Wares, or Merchandize whatsoever in his or her own Dwelling House, or in his or her own Shop, due Regard being had to the Preservation of the open Thoroughfares from any Impediment or Obstruction as aforesaid in consequence thereof, in any Part of the said Town.

VI. Provided always, and be it further enacted, That no Person or Persons shall sell or cause to be sold by Auction, Outcry, or otherwise any Goods, Articles, or Things whatsoever in the public Streets of the said Town; and if any Person or Persons shall sell or cause to be sold by Auction, Outcry, or otherwise any Goods, Articles, or Things in the public Streets of the said Town, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every Day on which he or she shall so offend.

VII. And be it further enacted, That it shall and may be lawful for the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, at any Time or Times, and from Time to Time, to demise or let the said Market Place, Grounds, and Premises, and the Rents, Tolls, Stallages, Duties, Sum or Sums of Money to be collected or to arise from or in respect of the said Market and Slaughterhouse by virtue of this Act, or any of them, to any Person or Persons who shall be willing to take and farm the same, by public Auction or private Contract, for a Year or any longer or shorter Period, upon such Terms and Conditions, at such Rent or Rents, and with such Securities for Payment
of

of the same, as shall be agreed upon and settled by him the said Earl, his Appointees, Heirs, or Assigns, or the Owner of the said Market for the Time being, and the Person or Persons respectively to whom the same shall be let or agreed to be let.

VIII. And be it further enacted, That in case any Person or Persons renting, holding, or using, or in any Manner occupying, any of the said Buildings, Stalls, Standings, Shambles, or other Conveniences in the said Market Place, or who shall bring or place, or expose or offer for Sale in the said Market, any Provisions, Goods, Wares, or Merchandize whatsoever, for or in respect of which any Rents, Tolls, Stallage, or Duties may be demanded or taken thereon, shall, upon Demand thereof made by the Collector, Farmer, or other Person or Persons authorized to receive the said Rents, Tolls, Stallage, or Duties, neglect or refuse to pay or shall wilfully evade the Payment of the said Rents, Tolls, Stallage, or Duties due in respect thereof by virtue of this Act, it shall be lawful for the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, or the Collector or the Person to be appointed by him or them to receive such Tolls, to levy the same by Distress and Sale of all or any of the Goods, Articles, or Things so exposed to Sale, or other the Goods and Chattels of such Person or Persons so neglecting, refusing, or evading to pay as aforesaid, and the said Distress so to be taken to sell forthwith, rendering the Overplus (if any), after deducting the Expences attending such Distress and Sale, to the Owner, on Demand.

Recovery of
Tolls by Dis-
tress in case
of Nonpay-
ment.

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

For settling
Disputes
concerning
Tolls, &c.

X. And be it further enacted, That it shall and may be lawful for the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, to erect and appoint a public Weighing House or Place in or near the said Market for the weighing and measuring such Meat, Provisions, or other Articles aforesaid as shall be bought or sold by Weight or Measure in the said Market, in case the Buyer or Buyers thereof shall desire the same, and to have and keep proper and sufficient Weights, Scales, and Measures (according to the respective Standard Weights and Measures in the Exchequer at *Westminster*) at the said Weighing House or Place, and to appoint some proper Person or Persons to attend the same on every Market Day at such Time or Times as in

Power to
erect and
appoint a
public
Weighing
House.

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the Rules, Orders, or Bye Laws to be made by virtue of this Act shall from Time to Time be directed; and all and every Person and Persons selling Meat or other Provisions or Things by Weight or Measure in the said Market shall weigh and measure the same in or by the said Weights, Measures, or Scales as aforesaid, if required so to do by the Buyer or Buyers thereof; and in order to defray the Expences of providing the said Weights, Scales, and Measures as aforesaid, and a proper Person or Persons to attend the same as aforesaid, there shall be paid to the Person or Persons appointed to weigh the same as aforesaid the several Tolls or Sum or Sums of Money mentioned in respect of the said Weighing House which are specified in the Schedule to this Act annexed.

Penalty on
Sellers re-
fusing to
weigh, &c.

XI. And be it further enacted, That if any Seller of any Meat, Fish, or other Provisions in the said Market shall refuse or neglect to weigh or measure any Meat, Fish, or other Provisions by and with the public Scales, Weights, and Measures as aforesaid, upon being required so to do by the Buyer or Buyers thereof, or if the Seller shall refuse or neglect to pay the Tolls for the same respectively, at the Rate mentioned in the Schedule to this Act annexed, the Person or Persons so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect any Sum not exceeding Ten Shillings; and the said Tolls, Sums of Money, and Penalties shall and may be recovered by Distress and Sale of the said Meat, Fish, or other Provisions of the Person or Persons so refusing or neglecting to weigh or measure the same, or of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the said Toll as aforesaid, in like Manner as is herein-before directed concerning the Recovery of Tolls to be paid in respect of the said Market.

Earl of Derby
may erect
Weighing
Machines.

XII. And be it further enacted, That it shall be lawful for the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners for the Time being of the said Market, to provide, erect, and fix such and so many Machines for the weighing of Carriages in such convenient Place or Places within the said Town or Borough as he or they shall think fit, and also to provide or purchase proper Machine Houses, and to appoint such Person or Persons for the weighing of Carriages which shall be brought to any such Machine, and from Time to Time to remove such Person or Persons, as he or they shall think proper, and to appoint and regulate the Tolls and Fees to be paid upon the weighing of all such Carriages.

Drivers of
Carts, &c. to
go to Weigh-
ing Machines
at Request
of Buyers.

XIII. And be it further enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Goods brought into the said Town to be sold therein shall, at the Request of the Buyer or Seller of any such Goods, or the Person or Persons on whose Behalf the same shall be so consigned, or their respective Agents, take and carry such Waggon, Cart, or other Carriage, with or without the Loading thereof, to be weighed at one of the Machines so to be erected and fixed as aforesaid (if any such there shall be); for which no additional Charge shall be made, unless such Waggon, Cart, or other Carriage shall, for the Purposes aforesaid, be required

to go a greater Distance from the regular Course of the said Road by which it would be otherwise necessary to pass in the conveying of the Goods laden in such Waggon, Cart, or other Carriage than Half a Mile, including the going to and returning from any such Machine, in which Case the Owners of such Waggon, Cart, or other Carriage shall be allowed to make an additional Charge of Two-pence for every Horse which shall be used in drawing the same, and a further Charge of the like Amount for every additional Half Mile that any such Waggon, Cart, or other Carriage shall be taken out of the direct and regular Road for the Purpose aforesaid; and all such additional Charges for Carriage, together with the Tolls or Fees to be paid for weighing any such Waggon, Cart, or other Carriage, shall be paid and borne by the Person or Persons requiring the same to be weighed as aforesaid.

XIV. And be it further enacted, That in case the Driver or other Person having the Care or Charge of any such Waggon, Cart, or other Carriage shall not, upon being so requested as aforesaid, take the same to such public Weighing Machine as herein-before is directed, or shall refuse or neglect to assist in the weighing of the same, every Person so offending, and being thereof convicted before any One Justice of the Peace for the said County, shall forfeit and pay to the Person or Persons requiring such Waggon, Cart, or other Carriage to be weighed as aforesaid any Sum of Money which such Justice shall direct, not exceeding Twenty Shillings; and the Party aggrieved and entitled to such Penalty shall not be deemed an incompetent Witness for the Proof of such Offence by reason of being so aggrieved or entitled as aforesaid.

Penalty on Drivers refusing to go to Weighing Machines.

XV. And be it further enacted, That if any Owner or Driver, Owners or Drivers, of any Waggon, Cart, or other Carriage conveying any Coals, Hay, Straw, Goods, Wares, or Merchandize to the said Town, whose Waggon, Cart, or other Carriage shall be weighed at any Weighing Machine to be erected or provided as aforesaid, or at any other Machine or Engine within the said Town, shall, at or before the Time of weighing the same, place or knowingly have any Article, Matter, or Thing in or about any such Waggon, Cart, or other Carriage other than and besides the proper Loading thereof; or shall alter any Ticket denoting the Weight of any such Waggon, Cart, or other Carriage, or of the Loading of the same, which shall be delivered at any such Engines; or shall make or use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or other Carriage, or the Loading thereof; or after the weighing of any such Waggon, Cart, or other Carriage, with the Loading of the same, shall dispose of or remove any Part of such Loading, and shall afterwards deliver or dispose of, or attempt to deliver or dispose of, the Residue of such Loading as being the full Loading denoted by such Ticket; or shall be guilty of any fraudulent Contrivance touching the Weight of any such Waggon, Cart, or other Carriage, or of the Loading thereof; or shall, after the same and the Loading thereof have been so weighed, change the Wheels thereof, or put or place on lighter Wheels, or make any Alteration, or do any other Act, Matter, or Thing to the said Waggon,

Penalty on Carters, Purchasers, or Engine Keepers committing Frauds as to the weighing of Carts, &c.

gon, Cart, or other Carriage before the same shall be brought back to the same Machine to be again weighed without the Loading thereof; or if such Owner or Driver, Owners or Drivers, of any such Waggon, Cart, or other Carriage which shall have been weighed with the Loading thereof at any Machine as aforesaid, shall neglect or refuse to bring back the same without Alteration, to be again weighed at the same Machine, being paid such Allowance for the same as herein-before is mentioned in case of its being necessary to deviate from the proper Road of such Waggon, Cart, or other Carriage for the weighing of the same; or if the Purchaser or Purchasers of any Goods, Wares, or Merchandize conveyed in any Waggon, Cart, or other Carriage to or within the said Town, and which shall have been weighed at any Machine within the said Town erected or maintained in pursuance of this Act, shall, after the same Waggon, Cart, or other Carriage, with the Loading thereof, have been so weighed as aforesaid, change the Wheels thereof, or cause the same to be changed, and put or place on, or cause to be put and placed on, heavier Wheels, or make any Alteration or do any other Matter or Thing to the said Waggon, Cart, or other Carriage, before the same shall be brought back to the same Machine to be again weighed without the Loading thereof; or if the Master or Keeper of any such Weighing Machine shall weigh any Waggon, Cart, or other Carriage, knowing that any thing had been added to the proper Loading thereof so as to increase the Weight of the same, or that the Wheels thereof had been changed or altered between the Time of the same and the Loading thereof being last weighed and the Time of the same coming back to be again weighed, without giving immediate Notice thereof to the Person or Persons interested therein; or if the Master or Keeper of any such Machine shall wilfully neglect to weigh any Waggon, Cart, or other Carriage that shall come to his or their Machine to be weighed according to the Turns in which Application shall be made for that Purpose, or shall not fairly and truly weigh the same with or without the Loading thereof (as the Case may be), and deliver to the Purchaser or Purchasers of such Loading, or any other Person interested therein, or the Agents of any such Person, on Application for that Purpose, a Ticket or Account containing the true Weight of the said Waggon, Cart, or Carriage, and also the Weight of the Loading thereof, or shall give to the Driver of such Waggon, Cart, or other Carriage a false Ticket or Account of the said Waggon, Cart, or other Carriage, or the Loading thereof, or shall knowingly assist in or connive at any Fraud to be committed or attempted in or concerning the weighing of any such Waggon, Cart, or other Carriage, or the Loading thereof, or any false Report or Representation of the Weight of the same respectively; or if any other Person or Persons whosoever shall knowingly act or assist in the committing of any Fraud respecting the weighing or Weight of any such Waggon, Cart, or other Carriage, or the Loading thereof, which shall be weighed or brought to be weighed at any such Machine, or which shall be alleged to have been weighed at any such Machine; then and in every such Case the Person or Persons offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XVI. And be it further enacted, That for the better regulating and managing the said new Market when established it shall be lawful for the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, and he and they is and are hereby authorized from Time to Time to make, provide, constitute, and ordain such Rules, Orders, and Bye Laws as he and they shall think fit and necessary for the better Regulation and Government of the said Market, and for the lighting, cleansing, letting, occupying, and using the said Market Place, or any Part or Parts thereof; and also for regulating, ordering, and governing the Officers appointed by him or them, and all other Persons, both Buyers and Sellers, thereto coming or resorting, and all Matters which do or may concern or relate to the said Market; and also for regulating all Carriers therein, and fixing and ascertaining the Rates and Prices for carrying and conveying all Articles carried and conveyed from the said Market; and for appointing, adjusting, and regulating all Weights and Measures according to the legal Standard used and to be used in the said Market, and the Sale of all Provisions and other Things by such Weights and Measures, and for preventing the Use of false or defective Weights and Measures; and also for preventing unwholesome Provisions being sold or offered or exposed for Sale therein; and for preventing Horses and Carriages travelling or going through the said Market Place, or remaining there, or any other Nuisances or Obstructions therein, or the Approaches to the same; and likewise for regulating and ordering all other Matters and Things which do or may concern or relate to the said Market; and the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, may from Time to Time as he or they shall think fit repeal, alter, add to, or amend any such Rules, Orders, and Bye Laws, or any of them, and shall ascertain and therein set down what pecuniary and other Penalties and Forfeitures shall be incurred by Persons breaking or evading such Rules, Orders, and Bye Laws, or any of them; provided always, that no such pecuniary Penalty shall in any Case exceed the Sum of Five Pounds for any One Offence; and such Rules, Orders, and Bye Laws shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to the Provisions of this Act; provided also, that the said several Rules, Orders, and Bye Laws, and the Alterations and Amendments therein, shall be subject to, and shall not be of any Force or Effect before, the Approval of One of the Judges of Assize, or of the Chairman of the Court of Quarter Sessions held at *Salford* in the said County Palatine of *Lancaster*; and all Persons so as aforesaid coming and resorting to the said Market are hereby required to observe and keep such Rules, Orders, and Bye Laws, under such Penalties and Forfeitures respectively as shall be ascertained and set down as aforesaid; and all such Rules, Orders, and Bye Laws, after having been signed by the said Earl, his Appointees, Heirs, or Assigns, or the Owner or Owners of the said Market for the Time being, or by the Clerk of the Market for the Time being by their or his Order, shall be painted on Boards, and put up or affixed in some conspicuous Place or Places in the said Market, which Boards shall from Time to Time be renewed and replaced when

Power to
make Bye
Laws.

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and as often as the said Rules, Orders, or Bye Laws, or any of them, shall be altered, obliterated, or defaced, but no Rule, Order, or Bye Law shall have any Force or Effect until Ten Days next after the same shall have been affixed as aforesaid; and all Convictions and Determinations under and by virtue thereof shall be subject to appeal in manner herein-after mentioned.

Inspector to
seize un-
wholesome
Meat, &c.

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

For prevent-
ing Nui-
sances.

XVIII. And be it further enacted, That if any Person or Persons shall wilfully, carelessly, or negligently injure, deface, or spoil any Part of the Stalls or Standings, or the Roofs, Walls, Windows, Fences, Rails, Gates, Pillars, Columns, Steps, or Pavements, in or belonging to the said Market Place or any Part thereof, or shall cause, do, or commit any other Kind of Obstruction, Annoyance, or Nuisance, Damage, Injury, or Spoil, in any Part of the said Market, or upon any of the Stalls, Standings, Erections, or Buildings therein, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall, over and above such Penalty, pay such Sum or Sums of Money as the Justice or Justices of the Peace for the said County of *Lancaster*, before whom the Complaint of any such Act or Offence as aforesaid shall be heard, shall think reasonable, by way of Satisfaction for any Damage so done by such Offender or Offenders as aforesaid.

Damages and
Charges, in
case of Dis-
pute, to be
settled by
Justices.

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

Justices may
proceed by
Summons in
the Recovery
of Penalties.

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

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

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

Recovery
and Appli-
cation of
Fines and
Penalties.

' said County of *Lancaster*, by virtue of an Act passed in the Second
 ' Year of the Reign of Her Majesty Queen *Victoria*, intituled *An*
 ' Act [here insert the Title of this Act, and state the Offence, and the
 ' Time and Place when and where the same was committed], contrary to
 ' the said Act, or contrary to a Bye Law duly made in pursuance of
 ' the said Act; and I [or we] the Justice [or Justices] aforesaid do
 ' adjudge and determine the said *A.B.* for the said Offence to forfeit
 ' and pay the Sum of _____ and do order the same to be
 ' forthwith paid into my [or our] Hands, one Moiety thereof for
 ' the Use of the Treasurer under the said Act, for the Purposes
 ' thereof, and the other Moiety thereof to the Use of *C.D.* [name
 ' the Informer], who informed me [or us] of the said Offence; and
 ' I [or we] do further order the said *A.B.* forthwith to pay to the
 ' said *C.D.* the Sum of _____ as and for the reasonable
 ' Costs by him incurred in and about the said Conviction. Given
 ' under _____ Hand and Seal the Day and Year first above
 ' written.'

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

Distress not
unlawful for
Want of
Form.

XXVI. Provided always, and be it further enacted, That if any
 Person or Persons, Body or Bodies Politic or Corporate, shall think him-
 self, herself, or themselves aggrieved by any Rule, Order, or Bye Law,
 or by any Determination or Judgment, or any other Matter or Thing
 to be made, given, or done by virtue or in pursuance of this Act, such
 Person or Persons, Body or Bodies Politic or Corporate, shall or may
 appeal to the Justices of the Peace at any General or Quarter Sessions
 of the Peace to be holden for the Southern Division of the said County
 of *Lancaster* within Four Calendar Months next after the Cause of
 Complaint shall have arisen, or, in case of any Rule, Order, or Bye
 Law, within Four Calendar Months after the Order of any Justice
 of the Peace for the said County Palatine of *Lancaster* adjudicating
 thereon, such Appellant having given or caused to be given Ten Days
 Notice at least, in Writing, of his, her, or their Intention to bring
 such Appeal, and of the Cause and Matter thereof, to the Clerk for
 the Time being acting in pursuance of this Act, and within Three
 Days next after such Notice entering or causing a Recognizance to
 be entered into before some Justice acting in and for the said County
 of *Lancaster*, with Two sufficient Persons as Sureties, conditioned to
 try such Appeal and abide the Order thereon, and to pay such Costs
 as shall be awarded by such Justices at such General or Quarter
 Sessions; and such Justices, upon due Proof of Notice being given
 as aforesaid, and of entering into such Recognizance, shall hear and
 determine the Cause and Matter of such Appeal in a summary Way,

Allowing an
Appeal.

[Local.]

3 H

and

and shall or may mitigate any Fine or Penalty or Forfeiture; and may order such Money to be returned which shall have been paid or levied in pursuance of any such Rule, Order, Bye Law, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their said General or Quarter Sessions shall be binding and conclusive.

Proceedings
not to be
quashed for
Want of
Form.

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

General
Saving.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, diminish, abridge, or take away any Royalties, Rights, Property, Duties, Tolls, Payments, Powers, Authorities, Jurisdictions, Privileges, Liberties, or Franchises whatsoever of or belonging to the Queen's most Excellent Majesty, Her Heirs and Successors, or the said Right Honourable *Edward Stanley* Earl of *Derby* as the Lord of the Manor of *Bury* aforesaid, his Heirs or Assigns, or any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, his, her, or their Heirs, Executors, Administrators, Successors, or Assigns, in any respect whatsoever, save and except as is by this Act enacted and declared.

Public Act.

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

SCHEDULE referred to by the foregoing Act ;

BEING

The several TOLLS, STALLAGES, RENTS, or Sum or Sums of Money authorized to be taken in the MARKETS and FAIRS.

FISHMONGERS.

£ s. d.

From the Occupier of every Fish Stone not exceeding Eight Feet long :

If taken by the Year, the Sum of - - - - - 1 0 0

„ Half Year - - - - - 0 10 6

STALLS.

From the Occupier of every covered Stall not exceeding the Dimensions of Fifty superficial Square Feet :

If taken by the Year, the Sum of - - - - - 2 10 0

„ Half Year - - - - - 1 6 0

From the Occupier of every Compartment or Space on the Surface of the Ground of the Dimensions of 50 superficial Square Feet :

If taken by the Year, the Sum of - - - - - 1 10 0

„ Half Year - - - - - 0 15 0

„ Week - - - - - 0 1 6

For each Market Day - - - - - 0 1 0

For each and every other Day in the Week, the Sum of - 0 0 6

SUNDRIES.

And for the following Articles (if not exposed for Sale on any of the Stalls or Standing Places to be taken as above) the following Sums of Money for each and every Day of the Week; (that is to say,)

Fruit	Single-horse Cart-full	0 1 0
	Hamper, Basket, or Tub, not exceeding One Bushel Imperial Measure	0 0 0½
	Hamper, Basket, or Tub, exceeding One Bushel, but not exceeding Two Bushels	0 0 1
	And so in proportion for every Excess.	
Green Vegetables of all Sorts.	A Cart-load of the common Size	0 0 4
	A Cart-load when loaded on the Wings higher than the Body	0 0 8
	Hamper, Basket, or Tub, not exceeding One Bushel Imperial Measure	0 0 0½
	For a greater Quantity, per Bushel	0 0 0½

SUNDRIES— <i>continued.</i>		£	s.	d.
Poultry	A large Basket	0	0	2
	A smaller Ditto	0	0	1
Bacon	For every Flich	0	0	0½
Cheese	For every Hundred Weight	0	0	1
Butter and Eggs	In Boxes or Hampers, from 2 <i>d.</i> to	0	0	4
	A large Basket	0	0	2
	A smaller Ditto	0	0	1
	A Crate of Eggs	0	0	4
Fish	A Cart-load	0	0	6
	Hamper or Pannier	0	0	1
Earthenware and Glasses	When 'set out for Sale upon the Ground, according to Quantity and Quality (the Space or Ground covered with the same not exceeding 50 superficial Square Feet), from 6 <i>d.</i> to	0	2	0
Flowers, Flower Roots, and Plants.	A large Basket	0	0	1½
	A smaller Ditto	0	0	1
Calicoes, Cloth, Linen, and Articles of Dress.	Each Skip, according to the Size thereof and Quantity of Goods, from 2 <i>d.</i> to	0	0	3
Provisions	A Basket, Barrow, or small Board	0	0	2
Cooper's Ware	A Skip, according to Size, from 2 <i>d.</i> to	0	0	3
Pastry, Spices, and Confectionery.	A large Basket or Board	0	0	2
	A smaller Ditto	0	0	1
Coals, Turf, and other Fuel.	A Cart-load	0	0	4
Shows and public Exhibitions.	From 2 <i>d.</i> to	0	1	0
Books, old Iron, and small Ware.	A Cart-load	0	1	0
	Flour Baskets or Boards, according to Quantity and Quality, from 2 <i>d.</i> to	0	0	6
Nuts	For a Cart-load	0	0	4
	Basket	0	0	1
White Sand, Brooms, and Besoms.	For a Cart-load	0	0	4
Oats	Per Sack of Three Imperial Bushels	0	0	2
Wheat, Barley, Peas, and Beans, in the Grain.	" of Four Imperial Bushels	0	0	4
Flour and Oatmeal	For every Load consisting of 12 Score Pounds in Weight	0	0	4

SUNDRIES— <i>continued.</i>		£	s.	d.
Carrots	- - For every 240 Pounds	0	0	1
Turnips	- - Per Load of 16 Pecks	0	0	1
Onions	- - Per Basket under Three Pecks	0	0	0½
	„ from Three to Four Ditto	0	0	1
	„ for every Three Pecks more	0	0	0½
Potatoes	- - A Cart-load	0	0	4
	- - A Half-load Sack (containing 126 Pounds)	0	0	0½
	- - A Load Sack	0	0	1
Peas and Beans	- - A Cart-load	0	0	6
	- - A Sack-load	0	0	1
	- - Half a Sack-load	0	0	0½
Italian Images and Pictures.	- - A large Board or Basket	0	0	2
	- - A smaller one	0	0	1
From every Person standing or walking in any open Space in the Market Place and exposing to Sale any Cutlery, Hardware, Mercery, Small-ware, or Goods of any Kind, per Day				0 0 2

The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect of the Occupation of any Stall, Stand, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

Hay and Straw	- - For each and every Cart-load of Hay, Straw, Grass, Vetches, or other Article, Commodity, or Thing, exposed for public Sale, if drawn by One Horse or other Beast, per Day the Sum of	0	0	4
	- - If drawn by Two or more Horses or other Beasts, per Day the Sum of	0	0	6
	- - For each and every Waggon-load of Hay, Straw, Grass, Vetches, or other Article, Commodity, or Thing, exposed for public Sale, the Sum of	0	0	9

THE CATTLE MARKET.

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

For every Horse, Mare, or Gelding	- - - -	0	0	4
„ Colt or Filly	- - - -	0	0	2
„ Mule or Ass	- - - -	0	0	1
„ Bull, Ox, Cow, Heifer, or Steer	- - - -	0	0	2
„ Calf	- - - -	0	0	1
„ Score of Sheep or Lambs	- - - -	0	0	10
„ Score of Pigs	- - - -	0	0	10
„ Sucking Pigs	- - - -	0	0	2

And so in proportion for any greater or smaller Number; and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

WEIGHING AND MEASURING.

	£	s.	d.
For weighing every Piece of Meat or Thing weighing not more than 20 lbs. Avoirdupois	0	0	0½
For weighing every Piece of Meat or Thing weighing more than 20 lbs. and not exceeding 100 lbs.	0	0	1
And so in proportion for any greater or smaller Quantity than 100 lbs. Weight over and above 100 lbs. Weight.			
For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel	0	0	0½
For measuring every Quantity more than a Bushel and not exceeding Two Bushels	0	0	1
And for every Bushel beyond Two Bushels	0	0	0½

SLAUGHTERHOUSE.

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

WEIGHING MACHINES.

For weighing any Cart, Waggon, or other Carriage not exceeding One Ton	0	0	3
And so in proportion for any greater or smaller Weight than One Ton.			

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