



Metropolitan Police Act 1839

1839 CHAPTER 47 2 and 3 Vict

40 On entering into recognizance, question as to right of title to fair may be tried in the Queen's Bench.

Provided nevertheless, that if the owner or occupier of the ground whereon any such fair has been . . . ^{F1} holden shall, when summoned before the magistrate, enter into a recognizance in the penal sum of two hundred pounds (which recognizance such magistrate is hereby authorized to take) with condition to appear in the [^{F2}High Court] on the first day of the then next term and to answer to any information which her Majesty's attorney ^{F3} . . . general may exhibit against such owner or occupier touching his right and title to such fair, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, which costs the said court is hereby authorized to award, then, notwithstanding the magistrate may have declared such fair to be unlawful, the commissioners of police shall forbear from giving notice of such declaration, and from taking any further measures thereon, until judgment shall be given by the said court against the right and title to such fair; and the magistrate taking such recognizance shall forthwith transmit the same to one of her Majesty's principal secretaries of state, to the end that the same may be filed in the said court, and such further directions may be given thereon as to such secretary of state may seem fit.

Textual Amendments

- F1** Word repealed by [Statute Law Revision Act 1874 \(No. 2\)](#) (c. 96)
F2 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925](#) (c. 49), [s. 224\(1\)](#)
F3 Words in [s. 40](#) repealed (30.9.1997) by [1997 c. 60, s. 3\(2\)\(3\)](#), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Metropolitan Police Act 1839, Section 40.