



ANNO QUINQUAGESIMO QUINTO

GEORGI II. REGIS.

Cap. lxxxv.

An Act for providing a Market for the Borough of
Bodmin, in the County of *Cornwall*.

[22d June 1815.]

WHEREAS the Practice of exposing Butchers' Meat, Poultry, and other Articles for Sale in the Streets of the Borough of *Bodmin*, in the County of *Cornwall*, is attended with great Annoyance and Inconvenience, and it is therefore expedient that a proper Market or Market House should be provided: And whereas the Mayor and Burgeses of the said Borough are by a Charter of His present Majesty, bearing Date the Twenty-seventh Day of *August*, in the Thirty-eighth Year of His Reign, entitled to the Tolls of the Markets and Fairs within the said Borough: 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 it shall and may be lawful to and for the Mayor and Burgeses of the said Borough, and their Successors for the Time being, and they are hereby authorized and empowered, as soon as conveniently may be, after the passing of this Act, to erect, build, or set up, or cause to be erected, built, or set up, any new, proper, and commodious Market House or Houses, Place or Places, Shambles, Shops, and Stalls, with all necessary Conveniences therein and thereunto, in any Place or Places within the said Borough, which now belong to, or shall be purchased by the said Mayor and Bur-

Market
House, &c.
to be built
and provided.

[Local.]

22 Y

geses,

ges, as they shall judge most convenient and proper, for holding a Market or Markets for the Sale of all Butchers' Meat, Poultry, Butter, Fish, Corn, Grain, Fruit, Vegetables, or other Provisions, Cattle, or other Live Stock, Shoes, or other marketable Commodities, and they are hereby also solely authorized and empowered to establish and hold the said Market or Markets, for the Sale of the Articles as aforesaid, in such Place or Places accordingly.

For prevent-
ing Annoy-
ances.

II. And be it further enacted, That no Person or Persons shall put, place, or set up, or cause to be put, placed, or set up, any Shop, Stall, Shew, or Standing, or expose to Sale any Butchers' Meat, Poultry, Butter, Fish, Corn, Grain, or Vegetables, Fruit, or other Provisions, on any of the public Footpaths or Highways, in the said Borough, other than within the Limits of the said Market Place, (except during the Period of the Fairs held annually) within the said Borough, upon Pain of every Person so offending forfeiting for every such Offence, on Conviction before One or more Justice or Justices of the Peace, any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

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

III. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent or hinder any Person from selling or exposing to Sale any marketable Commodities, Matters, or Things whatsoever, in his or her own private Dwelling House, or in his or her own Shop, being Part of his or her own private Dwelling House, in any Part of the said Borough and Town.

Regulating
Markets.

IV. And be it further enacted, That it shall be lawful for the said Mayor and Burgeses, and they have hereby full Power and Authority from Time to Time, as Occasion shall require, to make, constitute, provide, and ordain, such Rules, Regulations, Orders, and Bye Laws as they shall think fit, for the better regulating, ordering, and governing, not only of the several Markets already erected, established, and held, but also of all or any other Market or Markets, that shall hereafter be by them erected, established, or held within the said Borough, for the said several Purposes, or any of them, and also for regulating, ordering, and governing all Persons, both Buyers and Sellers, thereto coming and resorting, in all Matters which do or may concern, or relate to such Market or Markets, or any of them; and likewise for the regulating and ordering of all other Matters and Things, which do or may concern or relate to such Market or Markets, or any of them, and also from Time to Time, as often as Occasion shall require, to nominate and appoint such Officer and Officers as they the said Mayor and Burgeses shall adjudge necessary and proper to be, attend, and remain in the said Market or Markets, or any of them, for the better regulating, ordering, and governing of the same, and for putting such Rules, Regulations, Orders, and Bye Laws into due Execution, such Officer or Officers to be paid such reasonable Fees, Salaries, or Reward by the said Mayor and Burgeses for the Time being, for such his or their Attendance, as they the said Mayor and Burgeses shall think fit; and it shall and may be lawful to and for the said Mayor and Burgeses from Time to Time, to repeal, alter, or amend such Rules, Regulations, Orders, and Bye Laws, or any of them, as they shall think fit, and shall ascertain and therein set down what pecuniary and other

other Penalties and Forfeitures shall be incurred by Persons breaking or evading such Rules, Regulations, Orders, and Bye Laws, or any of them, provided that no such pecuniary Penalty shall exceed the Sum of Forty Shillings for each Offence, all which said Rules, Regulations, Orders, and Bye Laws so to be made as aforesaid, all Persons as aforesaid coming and resorting to the said Market or Markets, or any of them, are hereby required to observe and keep, under such Penalties and Forfeitures respectively, as shall be so ascertained and set down as aforesaid: Provided always, that such Bye Laws shall not be contrary to the Laws of that Part of the United Kingdom called *England*, or to the Provisions of this Act, or of the aforesaid Charter; and all such Bye Laws shall be printed and put up in such Place or Places in the said Market, as will allow of their being seen and read by all Persons desirous of reading the same.

V. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgeses, and they are hereby authorized and empowered, in order to enable them the better to defray the Expences of supporting and keeping in repair the said Market House or Houses, Place or Places, and other Conveniencies, to let such Shops, Shambles, Stalls, Standing Places, or other Conveniencies to be erected, built, made, or set up as aforesaid, to and for the Use of Persons for the Purpose of selling Butchers' Meat, Fish, Poultry, Butter, Fruit, Vegetables, or other Articles of Provision, Shoes, or other marketable Commodities brought for Sale to the said Market, to any Person or Persons who shall or may be willing or desirous of taking the same at an annual Rent for any Term not less than One Year, in such Manner and under and subject to such Rules and Regulations as they the said Mayor and Burgeses shall think proper, and to receive and take such Rents or Payments for the same as shall be agreed on and contracted for between the said Mayor and Burgeses and the said Persons respectively taking the same; provided that the Rent of any one Shop, Shamble, Stall, Standing Place, or other Conveniency as aforesaid, so let, shall not, in any Case, exceed the Sum of Six Pounds yearly.

Letting
Standings,
&c. in the
Market.

VI. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgeses, and they are hereby authorized and empowered to have, receive, and take, for and in respect of such Shops, Shambles, Stalls, Standing Places, and other Conveniencies aforesaid, as shall not be let out at annual Rent as aforesaid, but shall be occupied or used occasionally by any Person or Persons selling Fish, Poultry, Butter, Fruit, Vegetables, or other Articles of Provision, Shoes, or other marketable Commodities, brought to the said Market for Sale; and also for the weighing of any Tallow, Hides, or other Articles brought to be weighed at the Scales provided by the said Mayor and Burgeses in the said Market Place, as has heretofore been accustomed within the said Borough; and likewise for all Sorts of Corn and Grain, Cattle, Beasts, Sheep, Swine, or other Live Stock sold in the said Market, such Payments, Sum or Sums of Money, or other Tolls, for every such Market Day, as the said Mayor and Burgeses shall think reasonable and just, Conveniency, Situation, and other Circumstances considered, which said Sums, Payments, or Tolls, for all and every the Matters aforesaid, shall be particularly specified and set forth in a printed List or Table, signed by the Mayor of the said Borough for the Time being, and shall be posted or

Tolls may be
taken for
Goods sold in
the Market.

put

put up in some conspicuous Place of the said Market, before the same shall be opened for the Sale of such Articles and Commodities as aforesaid, and be continued therein from Time to Time, and at all Times, for the Inspection and Information of every Person resorting to the said Market; and if any Person or Persons shall think himself, herself, or themselves, aggrieved by the Payment of any such Sums, Payments, or Tolls, specified in the said Table, and shall, within Ten Days after Payment thereof, give Notice in Writing to the said Mayor and Burgesses, that it is his, her, or their Intention to submit such Complaint to Appeal as hereafter mentioned, it shall and may be lawful to and for the said Mayor and Burgesses, and the Person or Persons so complaining, and they are hereby respectively required, within One Month after such Notice is given, to submit such Complaint to the Determination of Two Justices of the Peace of and for the County of *Cornwall*, not interested in the Matter in Question, or residing, or having any Lands or Tenements within the said Borough (one to be named by each of the said Parties), and the said Justices are hereby authorized to hear and determine the Subject of the said Complaint; and if such Two Justices shall not agree, or make their Determination, within Ten Days after hearing the same, then the said Complaint shall be submitted to the Determination of such other Justice of the Peace of and for the said County, not interested in the said Matter in Question, or residing or having any Lands or Tenements within the said Borough, as the said Two Justices shall appoint, which said last-mentioned Justice is hereby authorized to hear and determine the Subject of the said Complaint within Ten Days after the Hearing thereof, and the Determination of such last-mentioned Justice touching the Matter so referred to him shall be final and conclusive to all Parties; and if the Sum or Toll specified in such Table as aforesaid, and so complained of, shall be determined by such Justices or Justice to be more than is just or reasonable, the same shall be reduced and altered as they or he shall direct, but shall not afterwards be subject or liable to any further Reduction or Alteration; but if the said Justices or Justice shall determine that the said Sum or Toll so complained of is just and reasonable, then the same shall be confirmed by such Justices or Justice, and the same shall not afterwards be subject to the like Complaint from any other Person or Persons whomsoever.

Rents, &c.
not payable
until a Mar-
ket House
shall have
been pro-
vided.

VII. And be it further enacted, That the several Rents, Tolls, or other Payments made payable by this Act, shall not be demanded or taken until a fit and convenient Market House and Place shall have been provided by the said Mayor and Burgesses, to be certified by the said Mayor and Burgesses, by Writing under the Hand of the Town Clerk, and published in some Paper printed and circulated in the said County of *Cornwall*.

For prevent-
ing Nuisan-
ces in the
Markets.

VIII. And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, or dress, or cause to be killed, slaughtered, singed, scalded, or dressed, any Beast, Swine, Calf, Sheep, or other Cattle, in any Part of the said Market or Shambles for Butcher's Meat, or shall wilfully, carelessly, or negligently injure, deface, or spoil any Part of the said Shambles, Shops, or Stalls, or the Walls, Columns, Steps, or Pavements belonging thereto, or any Part thereof whatsoever, every Person or Persons so offending shall forfeit for every Offence any Sum not exceeding Forty Shillings, and shall, over and above such Penalty, pay such Sum

Sum or Sums of Money as the Justice or Justices, before whom the said Complaint shall be heard, shall think reasonable, by Way of Satisfaction for any Damage done by such Offender or Offenders.

IX. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgeses to contract and agree with any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, as shall be, or be deemed to be Owner or Owners, Proprietor or Proprietors, or otherwise interested in any Messuages, Buildings, Lands, Tenements, and Hereditaments, as may be necessary for the Scite of the said Market Place or Places, or the Approaches leading thereto, for the absolute Purchase of all such Messuages, Buildings, Lands, Tenements, or Hereditaments, or either of them, or any Part or Parts thereof, and to become respectively seized and possessed thereof, and of the Fee Simple and Inheritance thereof; and to that End it shall be lawful for all Persons, Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, who are or shall be seized or possessed of, or entitled in their own Right, and all Trustees, Feoffees in Trust, Femes Covert, Husbands, Guardians, Committees, Executors, and Administrators, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and to and for all Persons, whether Tenants for Life, or Tenants in Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all other Person or Persons whomsoever, who are or shall be seized or possessed of or interested in all or any of the said Messuages, Buildings, Lands, Tenements, or Hereditaments as may be necessary for the Purposes aforesaid, either in Possession or Reversion, to contract for, sell, convey, or surrender, to the said Mayor and Burgeses, all or any of such Messuages, Buildings, Lands and Hereditaments, and every or any Part thereof, and their respective Estates, Rights, Titles, and Interests therein, and that all such Contracts, Agreements, Bargains, Sales, Surrenders, and Conveyances, which shall be so made as aforesaid, shall be good and valid in the Law to all Intents and Purposes, to convey the Right, Title, Estate, and Interest of all Persons whomsoever in the Premises, any Law to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Trustees and other Persons whomsoever, shall be, and they are hereby fully indemnified for and in respect of all such Matters and Things as they shall respectively lawfully do or cause to be done by virtue or in pursuance of this Act.

For purchasing
Lands and
Tenements.

X. And be it further enacted, That if any Money shall be paid, or agreed to be paid for the Purchase of any Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes of the said Market or Markets, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in

Application
of Compensation
Money, when
200l.

[Local.]

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the

the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the said Mayor and Burgeſſes for the Time being, and their Successors, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Buildings, Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Parts thereof, as the said Court shall authorize to be paid, affecting the same Buildings, Lands, Tenements, or Hereditaments, or affecting other Buildings, Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the Direction or Approbation of the said Court, in the Purchase of other Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Buildings, Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled, or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time be paid by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Buildings, Lands, Tenements, and Hereditaments, so hereby directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

When less
than 200l.
and more
than 20l.

XI. Provided always, and be it further enacted, That if any Money so agreed to be paid, for any Buildings, Lands, Tenements, or Hereditaments, to be purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being, entitled to the Rents and Profits of the Buildings, Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Mayor and Burgeſſes (such Nomination and Approbation to be signified in Writing, under the

Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said Court of Chancery.

XII. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before-mentioned, shall be less than the Sum of Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Buildings, Lands, Tenements, or Hereditaments so purchased for the Purposes of this Act, in such Manner as the said Mayor and Burgeses shall think fit, or in case of Infancy or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20l.

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

Persons in Possession of Premises purchased to be deemed the Owners thereof.

XIV. And be it further enacted, That all Sales, Conveyances, and Assurances, of any Lands, Tenements, or Hereditaments, to be made to the said Mayor and Burgeses, shall be made in the Form and to the Effect following; (that is to say),

Form of Conveyance.

‘ I of _____, in Consideration of the Sum of
 ‘ I to be paid by the Mayor and Burgeses of the Borough of *Bodmin*,
 ‘ in the County of *Cornwall*, acting by virtue of an Act passed in the
 ‘ Fifty-fifth Year of the Reign of King *George* the Third, intituled [*here*
 ‘ *insert the Title of this Act*], do hereby grant and convey to the said
 ‘ Mayor and Burgeses, and their Successors, all [*here describe the Pre-*
 ‘ *misses to be conveyed*], and all my Estate, Right, Title, and Interest to
 ‘ and in the same, and every Part thereof, to hold to the said Mayor and
 ‘ Burgeses, and their Successors for ever. In Witness whereof I have
 ‘ hereunto set my Hand and Seal, this _____ Day of _____ in the
 ‘ Year of our Lord _____

And

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

For Sale of
Parts of Pre-
mises.

XV. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgeses to sell, dispose of, and convey the Whole, or any Part or Parts of any Building or Buildings, Lands, Tenements, or Hereditaments, which may have been purchased under the Authority of this Act, for the Purpose of the said Market or Markets, as may afterwards be found unnecessary for the Purposes of this Act, to any Person or Persons willing to purchase the same; and every such Sale shall be good, valid, and effectual, to all Intents whatsoever.

XVI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Regulation to be made by virtue or in pursuance thereof, shall or may cause the Conviction to be drawn up in the Words or to the Effect following; (that is to say),

Form of
Conviction.

‘ **B**E it remembered, That on the _____ Day of _____ in the _____ Year of our Lord _____ is convicted before me [or us] _____ of His Majesty’s Justices of the Peace in and for the Borough _____ of *Bodmin*, in the County of *Cornwall*, of having [as the Offence shall be], and I [or we] the said _____ do adjudge him [or them] to forfeit and pay for the same the Sum of _____ Given under my Hand and Seal [or our Hands and Seals] the Day and Year aforesaid.’

Appeal.

XVII. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall think himself, herself, or themselves, aggrieved by any Rule, Bye Law, or Order, or any other Matter or Thing, done or to be done in pursuance of this Act, such Person or Persons, Bodies Politic or Corporate, shall or may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the said Borough, or for the said County of *Cornwall*, within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant giving, or causing to be given, Fourteen Days Notice at least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Mayor and Burgeses, and within Four Days next after such Notice, entering, or causing a Recognizance to be entered into, before some Justice of the Peace acting in and for the said Borough, with Two sufficient Persons or 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 Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and shall or may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye Law, Rule, Order, 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 Sessions shall be binding and conclusive.

XVIII. And

XVIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace, acting in and for the said Borough of *Bodmin* (which Warrant such Justice is hereby empowered to grant) upon the Confession of the Party or Parties, or upon Information of any credible Witness or Witnesses, upon Oath (which Oath such Justice is hereby empowered to administer), and the Penalties and Forfeitures, when recovered, shall be paid to the Treasurer, or such other Person or Persons as the said Mayor and Burgeses shall appoint for that Purpose; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol of the said Borough, or the House of Correction for the said County of *Cornwall*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

Recovery and Application of Penalties and Forfeitures.

XIX. And be it further enacted, That in all Actions, Prosecutions, Informations, and Causes of Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant within the Borough of *Bodmin* aforesaid shall be deemed incompetent to give Evidence by reason of his or her being such Inhabitant.

Inhabitants not to be incompetent Witnesses.

XX. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace in and for the said Borough, touching any Matter of Fact contained in any Information or Complaint, for any Offence against this Act, or against any Order made in pursuance thereof, whether on the Part of the Prosecutor or the Person or Persons complained of, and which Summonses such Justice and Justices as aforesaid, are hereby authorized to issue, where and in such Cases only as such Justice or Justices acting in and for the said Borough, is and are made competent by this Act to hear and determine the same; and if any such Person or Persons so summoned as aforesaid, shall refuse or neglect, after having been tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved by such Justice or Justices of the Peace as aforesaid, every such Person or Persons shall forfeit for such Offence any Sum not exceeding Five Pounds.

Penalty on Witnesses not attending.

XXI. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Defect or Want of Form in the Summons, or other Proceedings relating thereto, nor shall any Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons ag-

Distress not to be unlawful for want of Form.

[Local.]

23 A

grieved

grieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action on the Case, provided that no Plaintiff or Plaintiffs shall recover in any Action or Actions for such Irregularity, unless Notice in Writing shall be given Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, nor shall the Plaintiff recover in such Action, if sufficient Tender of Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court any Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given, in and by such Court as in other Actions, where the Defendant is allowed to pay Money into Court.

Proceedings
not to be
quashed for
want of
Form.

XXII. And be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Limitation of
Actions.

XXIII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, by Order of the said Mayor and Burgesses, until Ten Days Notice shall be thereof given to the Clerk to the said Mayor and Burgesses, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months after the Fact committed, and every such Action or Suit shall be laid or brought in the County or Place where the Matter shall arise, and not elsewhere; and the Defendant or Defendants in every Action or Suit shall or may, at his or their Election, plead specially, or plead the General Issue, or give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if the same shall appear to be so done, or if such Action or Suit shall be brought before Ten Days Notice shall be thereof given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases at Law.

Saving of
Rights.

XXIV. And be it further enacted, That nothing herein contained, shall extend, or be construed to extend, to lessen, defeat, prejudice, or affect
any

any Right, Interest, Power, Privilege, Franchise, or Authority of the said Mayor and Burgeffes and their Successors, or of any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whatsoever, his, her, or their Heirs, Successors, Executors, Administrators or Assigns, to the Tolls of Markets and Fairs held within the said Borough.

XXV. 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, without being specially pleaded. Public Act.

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