



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. Ixiv.

An Act for regulating the Markets and Fairs
and the Tolls and Customs of the Borough of
Athlone. [17th June 1852.]

WHEREAS by an Act passed in the Fourth Year of the
Reign of Her present Majesty Queen *Victoria*, intituled
An Act for the Regulation of Municipal Corporations in 3 & 4 Vict.
Ireland, the Corporation of the Borough of *Athlone* (together with c. 108.
the Corporations of certain other Boroughs specified in Schedule (B.)
to the said Act annexed) was dissolved, and the Property and the
Administration of the Municipal Affairs of the said Borough vested
in the Commissioners elected therein in virtue of an Act passed in
the Ninth Year of the Reign of His Majesty King *George* the Fourth,
intituled *An Act to make Provision for the lighting, cleansing, and* 9 G. 4. c. 82.
watching of Cities, Towns Corporate, and Market Towns in Ireland,
in certain Cases: And whereas it is expedient that the said Commis-
sioners should have Power to hold Fairs and Markets, and to levy
Tolls, Duties, and Customs in the said Borough, to improve the pre-
sent Market Places, and Places for Fairs, and to establish others more
convenient, and to provide Weighing Machines, and make Orders and
[*Local.*] 10 U Byelaws

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Byelaws for the proper Regulation and Management of the same; but these Purposes cannot be effected without the 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, as follows; (that is to say,)

10 & 11 Vict.
cc. 14. & 16.
incorporated
with this Act.

I. "The Markets and Fairs Clauses Act, 1847," and "The Commissioners Clauses Act, 1847," shall be and the same are hereby incorporated with this Act, except so far as the same are expressly varied by this Act.

8 & 9 Vict.
c. 18. incor-
porated with
this Act.

Lands not
to be taken
without Con-
sent.

II. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and shall be applicable to the Undertaking hereby authorized: Provided that nothing in this Act or in the said Lands Clauses Consolidation Act contained shall authorize the Undertakers to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Quarter Ses-
sions.

III. The Expression "Quarter Sessions" in this and the said incorporated Acts shall be construed to mean the Quarter Sessions for the Counties of *Westmeath* and *Roscommon*.

Short Title.

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Athlone* Market Act, 1852."

Commis-
sioners of
Athlone to be
the Under-
takers.

V. The Commissioners of the said Borough of *Athlone*, elected and acting in virtue of the said recited Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, shall be the Undertakers for constructing and improving the Market Place or Market Places, and a Place or Places for holding Fairs, by this Act authorized, together with all proper Works and Conveniences connected therewith and belonging thereto, and for managing and regulating the same according to the Provisions of this Act and the Acts incorporated herewith, and for otherwise carrying the Purposes of this Act into effect.

Limits of
Act.

VI. The Limits within which this Act and the Acts incorporated herewith shall be put in force shall be as follows; (that is to say,) from the Southern Point of the Canal to the Cross Roads West of the Brewery in *Belough*, thence to the Northern Point of the Canal, thence to the Cross Roads on *Hare Island* Road at *Arcadia Well*, thence to the Northern Point of *Warren's Fields* or *Mooring*, thence

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to the Cross Roads on *Moydrum* Road where the Town Lands of *Aghacocara*, *Ardnaglug*, and *Cartontroy* meet, thence along the Road to the Cross Roads on the *Dublin* Road at *Magherane*, and thence to the Southern Point of the Canal.

VII. The said Commissioners may appoint out of their own Body from Time to Time such and so many Committees, consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act which in the Discretion of such Commissioners would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Commissioners for their Approval.

Commissioners may appoint Committees.

VIII. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of the Members, if any, fixed by the Commissioners, (and if no Quorum be fixed, Three Members,) be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote, in addition to his Vote as a Member of the Committee.

Quorum of Committee.

IX. Any Treasurer, Collector, or other Officer or Person who shall have in his Hands, Custody, Possession, Power, or Control any Money received or collected in respect of any of the said Markets or Fairs, or any Books, Papers, or Writings, Property, Effects, Matters, or Things relating thereto, and owing or belonging to the said Commissioners, at the Time of the passing of this Act, shall be and remain liable to pay, deliver up, and account for the same to the said Commissioners as if the same had come to his Hands under or by virtue of this Act.

Former Treasurer and Officers to account.

X. The Treasurer and Town Clerk of the said Borough shall respectively be the Treasurer and Clerk for the Purposes of this Act.

Treasurer and Clerk.

XI. The several Rents, Stallages, Standages, Pennages, Tolls, Duties, Customs, and Sums of Money which shall at any Time be received, collected, or recovered by the said Commissioners for or in respect of the said Markets or Fairs shall from Time to Time be paid to the said Treasurer; and the same, and also all other Sums of Money which shall be paid to him under this Act, shall be by him carried to the Account of the Borough Fund, and shall form Part thereof.

Tolls to be paid into Borough Fund.

XII. The

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Books of Accounts shall be kept, and when audited open to Inspection.

XII. The said Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which Sums shall have been received and paid; and the Books of Account shall at all reasonable Times be open to the Inspection of any of the Commissioners of the said Borough; and all the Accounts, with all Vouchers and Papers relating thereto, shall in the Months of *January* and *July* in every Year be submitted by the Treasurer of the Borough to the said Commissioners, who shall cause the same to be audited, in accordance with the Provisions relating to the Audit of Accounts contained in the said "Commissioners Clauses Act, 1847;" and if the said Accounts shall be found to be correct the Auditors shall sign the same; and after such Accounts shall be so examined and audited in the Month of *July* in every Year the Treasurer shall make out in Writing, and cause to be printed, a full Abstract of the Account for the Year, and a Copy thereof shall be open to the Inspection of every Mortgagee and other Creditor of the said Commissioners by virtue of this Act, and to all the Ratepayers of the Borough, and Copies thereof shall be delivered to all such Persons applying for the same, upon Payment of a reasonable Price for each Copy.

Power to borrow Money on Mortgage, &c.

XIII. It shall be lawful for the said Commissioners, for the Purposes of this Act, from Time to Time to borrow at Interest on Mortgage or Bond any Sum or Sums of Money not exceeding in the whole the Sum of One thousand Pounds; and for securing the Repayment of the Monies so to be borrowed, with Interest, it shall be lawful for the said Commissioners to mortgage any Lands or other Property vested in or belonging to or to be acquired by them under or by virtue of this Act, or otherwise howsoever, or to assign over the Tolls and Customs granted by this Act, or the Borough Rate, as a Security for Repayment of the Money so to be borrowed, together with Interest for the same.

Priority of previous Mortgages.

XIV. Provided always, That all Mortgages, Bonds, and other Incumbrances created or granted before the passing of this Act, and in force at the Time of the passing thereof, shall during the Continuance of such Mortgages, Bonds, and Incumbrances have Priority over all other Mortgages, Bonds, and Incumbrances to be created under and by virtue of this Act.

Expense of Mortgages and Bond.

XV. The Expenses of every such Mortgage and Bond shall be paid by the said Commissioners out of the Money raised by the same.

Persons paying Money not to see to the Application thereof.

XVI. No Person paying or advancing any Money under or by virtue of this Act shall be bound to inquire whether the same is hereby authorized to be so paid or raised, or to see to the Application thereof,

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thereof, or be in anywise answerable for the Misapplication or Non-application thereof or of any Part thereof.

XVII. The Newspapers in which Advertisements may be published under the Provisions of this Act, or any Act incorporated or partly incorporated herewith, shall be the *Westmeath Independent* and *Athlone Sentinel*, or any other Newspapers published in the Counties of *Westmeath* and *Roscommon*, and circulating within the said Borough.

Newspapers
for Adver-
tisements.

XVIII. Subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the said Commissioners, from Time to Time, when and in such Manner as they shall think proper, to improve, enlarge, and make more commodious and convenient for the Public all or any of the present Market Places, or Places for Fairs, in the said Borough, and for such Purposes to set apart and appropriate any Lands vested in or belonging to them, or to purchase or take, by way of Exchange or otherwise, with the Consent of and by Agreement with the Owners thereof, any Lands, Messuages, Tenements, or Hereditaments, and to repair, alter, or take down any Messuages, Buildings, Erections, or Tenements, so set apart and appropriated, or purchased or taken by way of Exchange or otherwise, and upon any such Lands to form, construct, build, erect, and establish any new or additional Market Place or Market Places, or Place or Places for Fairs, with all proper Buildings and Works, for the Sale of such marketable Commodities, and Commodities sold at Fairs, as are in the Schedule (A.) to this Act annexed, and also any new or additional Market Place or Market Places, or Place or Places for Fairs, for the Sale of Cattle, with all proper Buildings and Works connected therewith: Provided always, that until such new or additional Market Places, or Places for Fairs, shall be completed and opened for public Use in manner by this and the said Markets and Fairs Clauses Act provided, it shall be lawful for the said Commissioners to demand and levy, in respect of the present Fairs and Markets within the Limits of this Act, such Toll Duties and Customs as they are now authorized to levy in respect of all Commodities, Articles, Matters, and Things specified in Schedules A, B, and C, to this Act annexed, but not exceeding the Tolls, Rates, and Duties specified in the said Schedules respectively.

Power to
make new or
additional
Markets and
Fairs.

XIX. If the said Commissioners shall think proper so to do, it shall be lawful for them to take upon Lease or otherwise rent any Lands, Messuages, Tenements, or Hereditaments which they shall think convenient and proper for any of the Purposes of this Act.

Power to
take Land
upon Lease
for Purposes
of Act.

XX. The Persons empowered by "The Lands Clauses Consolidation Act, 1845," to convey Lands shall have Power to grant Leases
[Local.] 10 X for
Owners may
grant Leases.

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for any Period of any Lands for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands.

Lands to be leased at best yearly Rent.

XXI. In every such Lease there shall be reserved the best or most usual yearly Rent for or in respect of such Lands, and no Fine, Premium, or Foregift shall be paid upon or in respect of such Lease.

Power to take Tolls for the Markets and Fairs.

XXII. It shall be lawful for the said Commissioners from Time to Time to demand from any Persons occupying or using any Stand, Stall, Shed, Pen, or Place in the said new or improved Market Places, or Places for Fairs, or Buildings or Ground connected therewith respectively, or erecting any Booth in any such Market Places, or Places for Fairs, or bringing into such Market Places, or Places for Fairs, or Buildings or Ground, any Commodities, Provisions, Articles, or Things specified or referred to in the said Schedule (A.) to this Act annexed, or bringing into such Places for Fairs or Market Places any Caravan or Vehicle, such Tolls, Rents, Standages, and Stallages as the said Commissioners shall from Time to Time appoint, not exceeding the several Tolls, Rents, Standages, and Stallages specified in the said Schedule.

Power to search for unwholesome Provisions.

XXIII. Any Person appointed for such Purpose by the said Commissioners may at all reasonable Times, with or without Assistants, enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, or Fish, or as a Slaughterhouse, within the Limits of this Act, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for Sale for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to a Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, if upon sufficient Evidence he shall appear to have intended the same for Sale in a State unfit for the Food of Man, shall be liable to a Penalty not exceeding Five Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game so found.

Penalty for destroying Table of Tolls.

XXIV. Every Person who shall destroy, pull down, injure, or deface any Board put up or affixed for the Purpose of publishing any Table of Tolls, Stallages, or Rents, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and shall also pay for the Restoration of such Board.

XXV. The

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XXV. The Justice by whom any Penalty shall be imposed under this Act shall, if he shall think proper so to do, award any Part, not more than Half thereof, to the Informer, and the Remainder shall be paid to the Treasurer; and if no Part shall be so awarded to the Informer, the whole of any Penalty shall be paid to the said Treasurer, to be added to the Borough Fund.

Application
of Penalties.

XXVI. It shall be lawful for every Justice of the Peace having Jurisdiction within the Borough, though One of the said Commissioners, to act as a Justice of the Peace in all Matters relating to the Execution of this Act.

Commis-
sioners being
Justices may
act as such.

XXVII. It shall be lawful for the said Commissioners from Time to Time to demand, in the Cattle Market and Cattle Fairs, from any Person bringing into such Cattle Markets or Cattle Fairs any Cattle or other live Stock specified in the Schedule (B.) to this Act annexed, such Stallages, Pennages, Standages, Rents, and Tolls as the said Commissioners shall from Time to Time appoint, not exceeding the several Stallages, Pennages, Standages, Rents, and Tolls specified in the said Schedule.

Tolls for
the Cattle
Market;

XXVIII. It shall be lawful for the Person for the Time being appointed to attend the Weighing Houses or Places for weighing or measuring any Article sold in the said Market Places or Places for Fairs by Weight or Measure, from Time to Time to demand such Tolls as the said Commissioners shall from Time to Time appoint, not exceeding the several Tolls specified in the Schedule (C.) to this Act annexed.

for weigh-
ing and
measuring;

XXIX. It shall be lawful for the Person for the Time being appointed to attend to the Machines for weighing Carts, Carriages, or other Things within the Limits of this Act to demand from the Person requiring the same to be weighed such Tolls as the said Commissioners shall from Time to Time appoint, not exceeding the several Tolls specified in the Schedule (D.) to this Act annexed; and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

and for
weighing
Carts.

XXX. It shall be lawful for the said Commissioners, if they shall think proper so to do, from Time to Time to demise and let to any Person the said Markets, Fairs, Market Places, Places for Fairs, Stalls, Shops, Standings, Pens, Weighing Houses or Machines, Buildings, Rents, Stallages, Standages, Pennages, Tolls, Duties, and Customs, or any Part thereof, for any Period not exceeding Three Years, upon such Terms, and with such Security for Payment of the Rent reserved by the Lease thereof, as shall be agreed upon between
the

Power to
lease Mar-
kets, &c.

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the said Commissioners and the Person to whom such Lease shall be made.

Power to assign Lease.

XXXI. It shall be lawful for any Lessee of the said Markets, Fairs, Tolls, Duties, and Customs, and other Matters and Things above mentioned, or any Part thereof, with the Consent of the said Commissioners, to assign the same for the Residue of his Term.

Commissioners may grant Licences for private Cranes.

XXXII. It shall be lawful for the Commissioners from Time to Time to grant to such Persons as they think proper Licences, under the Hands of the Chairman for the Time being of the Commissioners and their Clerk, for having and using private Cranes and Weighing Machines for the Use of the Public, subject to the Control of the Commissioners, and to such Conditions as to the Places where the same shall be erected or kept, such Rules for the Use and Management of the same, and such Regulations as to the Tolls, Rates, and Duties to be levied in respect of all Commodities, Matters, and Things which may be weighed thereat, as the Commissioners may by any Byelaws to be adopted by them at a Meeting of the Commissioners to be specially called for that Purpose make and appoint, Seven Days Notice of such Meeting having been previously given to each of the Commissioners; and such Byelaws, before the same shall come into operation, shall be published in some One Newspaper published or circulated in the said Borough, or, if there be no such Newspaper, then in some One Newspaper in each of the Counties in which the said Borough is situated, and shall also be posted up on some conspicuous Place at or near to the Place or Places where such licensed Cranes and Weighing Machines shall be erected and kept.

Extending Term for Contracts under 9 G. 4. c. 82.

XXXIII. And whereas by the said recited Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth it is enacted, that no Contract made by the Commissioners acting in virtue thereof shall be valid or binding for any longer Term than Three Years, which Term it is expedient to enlarge: Be it therefore enacted, That it shall be lawful for the Commissioners of the said Borough to enter into Contracts for carrying into effect the Purposes of the said Act for any Term not exceeding Seven Years.

Saving Rights of Commissioners.

XXXIV. Nothing in this Act contained shall abridge, restrict, postpone, or otherwise prejudice or affect any Rights, Powers, or Interests now vested or which may at any Time or Times hereafter be vested in the said Commissioners in virtue of the said recited Acts of the Ninth Year of the Reign of His Majesty King *George* the Fourth, or of the Fourth Year of the Reign of Her said Majesty Queen *Victoria*, but the same shall be and remain in as full Force and Effect as if this Act had not been passed.

XXXV. All

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XXXV. All Monies arising from the Stallages, Rents, and Tolls to be levied or taken under the Authority of this Act, and from any Lessees or Mortgagees thereof, shall be applied, firstly, in paying the Expenses of obtaining this Act and incident thereto; secondly, in Payment of the Interest of all Monies borrowed on the Security of the said Works, Stallages, Rents, and Tolls; thirdly, in making, improving, and maintaining the said Markets and Fairs, and Works connected therewith; fourthly, in paying off the Principal of all Monies borrowed by virtue of this Act; and lastly, the Residue of such Monies (if any) shall be retained by the said Commissioners, and be applied by them as they shall think fit for the Use and Benefit of the said Borough.

Application
of Monies
arising from
Tolls, &c.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

TABLE OF TOLLS, RENTS, and STALLAGES.

Butchers.

	£	s.	d.
For every Butcher's Stall, per Week - - - - -	0	0	6
For the Carcase of every Bull, Ox, Steer, Cow, or Heifer, or any Part thereof, by any Person not occupying a Stall - - - - -	0	0	3
For the Carcase of every Calf, Pig, or Sheep, by any Per- son not occupying a Stall - - - - -	0	0	3

Fishmongers, Hawkers, &c. &c.

For every covered Stall, Standing, or Place for the Sale of manufactured Goods, Wares, Merchandise, or Provi- sions, on each Fair Day - - - - -	0	0	3
For every such Stall, Standing, or Place for every Tuesday or Saturday - - - - -	0	0	2
For every uncovered Stall for every Fair Day - - - - -	0	0	1
For every such Stall, Standing, or Place for every Tuesday or Saturday - - - - -	0	0	0½

The several Tolls, Rents, and Stallage before mentioned and specified to be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, in case he shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day.

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SCHEDULE (B.)

TOLLS for CATTLE sold at Fairs.

	£	s.	d.
For every Horse, Gelding, or Mare, the Sum of - - -	0	0	4
For every Colt, Filly, Foal, Mule, or Ass - - -	0	0	3
For every Bull, Ox, Cow, Bullock, Steer, or Heifer - - -	0	0	2
For every Calf (except a Sucking Calf) or Pig - - -	0	0	1
For each Sheep - - - - -	0	0	0½

And so in proportion for any less or greater Number.

SCHEDULE (C.)

SCHEDULE of TOLLS to be taken for WEIGHING and MEASURING.

	£	s.	d.
For every Fitch of Bacon, the Sum of - - -	0	0	1½
For every Hog or Pig, the Sum of - - -	0	0	3
For all other Articles sold in the Market, being not more than One Hundredweight, the Sum of - - -	0	0	0½
For each additional Hundred, the Sum of - - -	0	0	0¼
For all Goods and Articles sold by Measure, for each Bushel, or Barrel, or Sack, or less Quantity, the Sum of	0	0	1

SCHEDULE (D.)

SCHEDULE of TOLLS to be taken for WEIGHING MACHINES.

	£	s.	d.
For weighing any Waggon, the Sum of - - -	0	0	2
For weighing any Cart or other Carriage not weighing more than Two Tons, the Sum of - - -	0	0	2
For every Load of Hay, Straw, or other Agricultural Produce, not weighing more than One Ton, the Sum of - - -	0	0	3
For each additional Ton or less Weight, the Sum of	0	0	1

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