



ANNO QUINTO & SEXTO

# GULIELMI IV. REGIS.

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## Cap. cxi.

An Act for establishing a Market for the Sale of Cattle in the Parish of *Saint Mary Islington* in the County of *Middlesex*. [9th September 1835.]

**W**HEREAS *John Perkins* of *Bletchingley* in the County of *Surrey*, Esquire, is or claims to be seised of or entitled to a Piece or Parcel of Land situated adjoining or near to the *Lower Road* in the Parish of *Saint Mary Islington* in the County of *Middlesex*, upon which he hath commenced and is proceeding at a great Expence to erect and complete divers Buildings, which Buildings, when finished, will be well calculated for a Cattle Market: And whereas it would be of great Advantage to the Public if a Market were established on the said Ground for the Sale of Live Cattle, Beasts, Calves, Sheep, Lambs, and Pigs, and if a commodious Market Place, Slaughtehouses, Stables, Stalls, Sheds, Houses, Pens, Outhouses, Beast-houses, and other Buildings adapted for the Purposes of such Market, were made and completed in or upon the same; but the Purposes aforesaid cannot be fully and completely carried into execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when and so soon as His Majesty's Justices of the Peace for the County of *Middlesex* in Quarter Sessions assembled,

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John Perkins  
empowered  
to establish a  
upon

Market to be  
called the  
Islington  
Cattle  
Market.

upon sufficient Proof adduced to them of the said intended Market Place, Stables, Stalls, Sheds, Houses, Pens, Outhouses, Beast-houses, and other Buildings having been erected and completed, and of the Roads for Access to the Market as marked A, B, C, D, E, F, G, and H on the Plan deposited in the Office of the Clerk of the Parliaments (the said Roads not deviating more than Twenty Yards on either Side from the Lines laid down on the said Plan) having been completed and opened for public Use without Payment of any Toll for the Use of the said Roads, shall make an Order or certify to that Effect, which they are hereby authorized and empowered to do, it shall be lawful for the said *John Perkins*, his Heirs and Assigns, or the Owner or Owners for the Time being of the Piece or Parcel of Ground herein-before mentioned, to open, establish, and hold a Market, to be called The *Islington* Cattle Market, upon the said Piece or Parcel of Ground herein-before mentioned, or any Part thereof, not being less than Ten Acres, (being a Piece or Parcel of Land or Ground situate in or near the *Lower Road, Islington*, in the Parish of *Saint Mary Islington*, bounded on the North by Land belonging to the Dean and Chapter of *Saint Paul's*, on the South by Land belonging to *John Perkins*, on the East by Land belonging to *William Rhodes*, and on the West by other Land belonging to the said *John Perkins*, and containing altogether Fifteen Acres or thereabouts,) and in and upon the Market Place and several Erections and Buildings now built and set up or hereafter to be built and set up on the said Piece or Parcel of Ground, and to divide, arrange, and appropriate the said Market Place, Ground, and Buildings, and to erect, build, and make or complete such other Erections, Buildings, Vaults, Cellars, Shops, Slaughter-houses, Stables, Stalls, Lofts, Granaries, Sheds, Houses, Pens, Outhouses, Beast-houses, and other Buildings, for the Purposes of such Market, and also to erect, lay down, and make such Reservoirs, Pumps, Engines, and Erections, and to dig, sink, or lay down, upon or under the said Piece or Parcel of Ground or any of the adjoining Roads, such Drains, Pipes, Culverts, and Watercourses for conducting Water to supply the said Market, and to complete the Drainage thereof, and to make all such necessary and convenient Roads, Avenues, and Approaches to, from, through, and out of the said Market and Buildings, and to bargain and contract for the Completion of the said several Works, in such Manner, and from Time to Time to make such Alterations in the Division, Arrangement, and Appropriation of the said Piece or Parcel of Ground, Erections and Buildings now erected or hereafter to be erected, and such Repairs, Amendments, or Alterations of or in the Shops, Slaughter-houses, Stables, Stalls, Lofts, Granaries, Sheds, Houses, Pens, Outhouses, Beast-houses, or any of them, or in any of the Erections and Buildings, and also of or in the Reservoirs, Cisterns, Pumps, or Engines for the Time being upon or under the same, and of or in the Pipes for conducting the Water to supply the said Market, and generally from Time to Time to do and perform all such other Acts, Matters, and Things as shall appear to the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to be necessary, proper, or advisable for the Establishment of the said Market, and for the

Preservation, Support, and Continuance thereof; and the Market to be opened and established as herein-before is mentioned shall be a Market for the Sale of Live Cattle, Beasts, Calves, Sheep, Lambs, and Pigs: Provided always, that Notice of the said Application to the said Justices of the Peace shall be given for Three Weeks preceding such Quarter Sessions by Insertion thereof in the *London Gazette* once in each Week.

II. And be it further enacted, That it shall be lawful for the said *John Perkins*, his Heirs and Assigns, and the Owner and Owners for the Time being of the said Market, and he and they is and are hereby authorized and empowered, at any Time or Times and at all Times within the Space of Three Years from the End of this present Session of Parliament, to purchase and take all and every or any of the Lands, Houses, and Buildings mentioned and specified in the First Schedule hereunder written, or so much and such Part or Parts thereof as the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall think necessary and proper to be taken and used for the Purposes of this Act.

Power to purchase Lands.

III. And be it further enacted, That the Conveyance and Assurance or Conveyances and Assurances of the said Lands, Houses, and Buildings to be so purchased or taken for the Purposes of this Act may be made to the said *John Perkins*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, so far as the same will admit, in the Form following; (that is to say,)

Form of Conveyance.

‘ I [or We, as the Case may be,] of \_\_\_\_\_ in consideration  
 ‘ of the Sum of \_\_\_\_\_ paid to me [or us, or into the  
 ‘ Bank of England, as the Case may be,] by *John Perkins*, [or his  
 ‘ Heirs or Assigns, or the Owner or Owners for the Time being of  
 ‘ the said Market, as the Case may be,] do hereby grant and release  
 ‘ [or assign, as the Case may be,] to the said *John Perkins* [or his  
 ‘ Heirs or Assigns, or the Owner or Owners for the Time being of  
 ‘ the said Market, as the Case may be,] all [here describe the Premises  
 ‘ to be conveyed], and all my [or our] Right, Title, and Interest in  
 ‘ and to the same and every Part thereof, to hold to the said *John  
 ‘ Perkins*, his Heirs and Assigns, or the Owner and Owners for the  
 ‘ Time being of the said Market, and his, her, or their Heirs and  
 ‘ Assigns, for ever [or, as the Case may be, during all the Remainder  
 ‘ of my [or our] Term, Estate, and Interest in the said Premises.]  
 ‘ In witness whereof I [or we] have hereunto set my Hand and Seal  
 ‘ [or our Hands and Seals] this \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_

IV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of Lunatics or Idiots

Bodies Corporate empowered to sell.

Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and for and on behalf of any Person or Persons entitled in Remainder or Reversion, and also to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in the said Lands, Houses, and Buildings mentioned in the said First Schedule, or any Part or Parts thereof, to treat, contract, and agree with the said *John Perkins*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, for the Sale thereof or of any Part thereof, and to sell and convey all or any Part thereof, and all his, her, and their Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said *John Perkins*, his Heirs and Assigns, or to the Owner or Owners for the Time being of the said Market, for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue of this Act shall be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as any Conveyance or Conveyances under the Act for abolishing Fines and Recoveries would do if executed by the proper Parties in due Form of Law, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Persons and Person, are and is and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

In case the Parties refuse or are incapable to treat, the Value of the Land and of the Damages to be settled by a Jury,

V. And for settling all Differences which may arise between the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and the several Owners and Occupiers of or Persons interested in the said Lands, Houses, and Buildings which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Person, Body Politic, Corporate, Collegiate, or Ecclesiastical, Corporation Aggregate or Sole, Tenant for Life,

Life, or in Fee Tail, General or Special, or for any Term of Years, Trustees, Feoffees, Executors, Administrators, Husbands, Guardians, Committees of Lunatics or Idiots, in anywise interested in or entitled and capacitated to sell, agree, convey, or release as aforesaid, shall not agree with the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, as to the Amount of the Purchase Money or Satisfaction, Recompence or other Compensation to be paid for the same, or if any of the Parties entitled to receive such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid shall refuse to accept such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid as shall be offered by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and shall give Notice thereof in Writing to the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury; or if any of such Parties as aforesaid shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his or their last or usual Place of Abode, or with the Tenant or Occupier of the said Lands, Houses, and Buildings required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, for the Sale, Conveyance, and Release of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement, Conveyance, or Release as shall be necessary or expedient for enabling the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to take such Lands, Houses, and Buildings, or to proceed in making and completing the said Market and the Works connected therewith, or shall not disclose and prove the State of the Title to the Premises, of which they respectively may be in Possession, and which they may claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands, Houses, and Buildings required for the Purposes of this Act, cannot be made, then and in every such Case the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall and he and they is and are hereby required from Time to Time to issue a Warrant, under his or their Hand and Seal or Hands and Seals, to the Sheriff of the said County of *Middlesex*, or in case such Sheriff or his Under Sheriff shall be in any ways interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be interested then to some Person then living in the

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said County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County, and not be interested as aforesaid, (a Person having more recently served either Office being always preferred,) commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury or any Six or more of them to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or being Quakers upon their Affirmation, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, Houses, and Buildings, except for such Interest therein as shall have been of right purchased by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, from any other Person, and also the Sum of Money to be paid by way of Satisfaction, Recompence, or Compensation, either for the Damages which shall before that Time have been done or sustained, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and which cannot or will not be further obviated, removed, or repaired by them; which Satisfaction, Recompence, or Compensation for such

Damage

Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands, Houses, and Buildings so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Persons and Corporations whatsoever: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to: Provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to the Party with whom any such Controversy shall arise, either by delivering such Notice to such Party, or by leaving the same at his Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation in the Case of a Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise.

VI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County of *Middlesex* among the Records of the Quarter Sessions of such County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words. Verdicts to be recorded.

VII. And be it further enacted, That if any such Sheriff or his Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, to be judged of and determined by the said Sheriff, Penalty upon Sheriffs, &c. Jurors or Witnesses, making default.

Sheriff, Under Sheriff, Coroner, or other Person, shall forfeit and pay for every such Offence, to the Party for whom or on whose Account any such Jury or Witness shall have been summoned, any Sum not exceeding Twenty Pounds; which said last-mentioned Penalty and Forfeiture shall and may be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as those of the Courts at Westminster.

VIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or being Quakers upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

Expences of Jury how to be paid.

IX. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for a greater Sum than shall have been previously offered by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, for the Purchase of any such Lands, Houses, and Buildings to be used or taken by him or them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury and the Expences of Witnesses shall be defrayed by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Middlesex* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for the same or for a less Sum than shall have been previously offered by the said *John Perkins*, his



Heirs or Assigns, or the Owner or Owners for the Time being of the said Market; One Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market; and the former Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his or her Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs and Expences shall be borne and paid by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market.

X. And be it further enacted, That all Persons in Possession of any such Lands, Houses, and Buildings which shall be required or be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest than as Tenants at Will or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up Possession of such Property to the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or to such Person as the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, either to or left at the Place of Abode of such respective Tenants or Lessees in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or at such other Time after the Expiration of Six Calendar Months as in any such Notice they shall be respectively required; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to issue his or their Precept to the Sheriff of the said County of *Middlesex* to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as

Tenants at Will, &c. to quit Lands after Notice.

shall accrue upon or by reason of the issuing and executing of such Precept, on the Person so refusing to give Possession, by Distress and Sale of his or her Goods and Chattels.

Interests of such Tenants may be settled by a Jury.

XI. Provided always, and be it further enacted, That where any such Tenant or Lessee who shall be required to deliver Possession of any Premises occupied by him or her before the Expiration of his or her Term or Interest therein shall give the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, previous Notice in Writing thereof, the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall and he and they is and are hereby required to make or tender to such Tenant or Lessee, before he or they shall issue his or their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction, Recompence, or Compensation for the Value of his or her unexpired Term or Interest in the said Premises; which Satisfaction, Recompence, or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction, Recompence, or Compensation for any Lands, Houses, and Buildings taken or used by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, is by this Act directed to be made or determined.

On Payment of Purchase Money, Land to vest in the Owner of the Market.

XII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of the said Lands, Houses, and Buildings, or any Part or Parts thereof, or as a Compensation for Damages, as herein mentioned, to the Proprietor or Proprietors of such Lands, Houses, and Buildings, or any of them, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within Three Calendar Months next after the same shall be so agreed for or assessed, or upon Payment of the said Sum or Sums of Money within the said Three Calendar Months into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, (but not before,) it shall be lawful for the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and his or their Agents, Workmen, and Servants, immediately to enter into such Lands, Houses, and Buildings, and then and thereupon such Lands, Houses, and Buildings, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to and for the Purposes of this Act, for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their

their Issue, and of every other Person whomsoever therein : Provided nevertheless, that in case the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall enter upon any such Premises for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, the Person or Persons so offending shall forfeit and pay the Sum of Twenty Shillings for every Day he or they shall remain on the said Premises.

XIII. And be it further enacted, That if any Money agreed or adjudged to be paid for the said Lands, Houses, and Buildings to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to or shall be sold by any Corporations or Person or Persons who shall not have Power to give a valid Receipt for the same, or to sell or convey the same Premises, or otherwise, than by virtue of this Act, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The *Islington Cattle Market*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, 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 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 Lands, Houses, and Buildings so to be taken or purchased as aforesaid, in the Purchase or Redemption of the Land Tax, or towards the discharging of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Houses, and Buildings, or affecting any other Messuages, Lands, and Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, and 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 Lands, Houses, and Buildings which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of the same Uses, Trusts, Intents, and Purposes as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money, by Order of the said Court of Exchequer upon Application thereto, shall 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.

Application of Compensation Money amounting to 200*l*.

1 G. 4. c. 35.

Reduced Bank Annuities; and in the meantime and until the said Consolidated or Reduced Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends and annual Produce thereof 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 or Profits of the Lands, Houses, and Buildings so hereby directed or authorized to be purchased or sold, in case such Purchase or Settlement as aforesaid were made.

When less than 200*l.* and exceeding 20*l.*

XIV. Provided always, and be it further enacted, That if any Money so agreed or adjudged to be paid for the said Lands, Houses, or Buildings to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall 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 said Lands, Houses, and Buildings so purchased, taken, or used, 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 his or their Hand or respective Hands) be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Persons, to be nominated as Trustees by the Person or Persons making such Option, and approved of by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, (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 therefrom, may be applied in manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When not exceeding 20*l.*

XV. Provided also, and be it further enacted, That when such Money so agreed and adjudged to be paid as hereinbefore mentioned shall not exceed the Sum of Twenty Pounds, then and in such Case 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 Lands, Houses, and Buildings so purchased, taken, or used for the Purposes of this Act, in such Manner as the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall think fit, or in case of Infancy, Idiocy, or Lunacy, then 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.

In case of not making out Titles.

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed and adjudged

adjudged for the Purchase of the Lands, Houses, and Buildings to be purchased, taken, or used as aforesaid, shall, for the Space of Fourteen Days after Notice thereof, neglect or refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or be not known or discovered, or cannot be found, then and in every such Case it shall be lawful for the said *John Perkins*, his Heirs and Assigns, and the Owner and Owners for the Time being of the said Market, to order the said Sum or Sums so adjudged to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to the Credit of the Parties interested in the said Lands, Houses, and Buildings, (describing them,) subject to the Order, Control, and Disposition of the Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, is hereby empowered, in a summary Way of proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money (mentioning and specifying therein for what and for whose Use the same is or are received) to such Person or Persons as shall pay such Sum or Sums of Money into the Bank of *England* as aforesaid.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Persons 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 Exchequer, in pursuance of this Act, for the Purchase of the said Lands, Houses, and Buildings to be purchased in pursuance of this Act, for the Purposes thereof, 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, Houses, and Buildings 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, Houses, and Buildings according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or 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 to 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, Houses, and Buildings, or to some Estate or Interest therein.

Persons in Possession to be deemed presumptively entitled.

The Court  
may order  
reasonable  
Expences of  
Purchases to  
be paid by  
John Perkins.

XVIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands, Houses, or Buildings to be taken or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into the Bank of *England*, to be applied in the Purchase of other Lands, Houses, or Buildings to be settled to the like Uses; in pursuance of this Act, it shall be lawful for the said Court to order the reasonable Expences of all such Purchases, and of the Re-investment of the Purchase Money in Land, Houses, or Buildings, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market; and the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Mortgagees  
to deliver  
Possession of  
Premises on  
receiving  
Mortgage  
Money, &c.

XIX. And be it further enacted, That all and every Persons and Person, Bodies or Body Politic, Corporate, or Collegiate, who shall have any Mortgage or Mortgages on the Lands, Houses, and Buildings herein-before authorized to be purchased or taken, (not being in Possession of the Premises by virtue of such Mortgage or Mortgages,) shall, on Tender of the Mortgage Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the Principal Money, by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or by such Person or Persons as the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or to such Person or Persons as he or they shall appoint; or if such Mortgagee or Mortgagees shall have Notice in Writing from the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or such Person or Persons as they or he shall appoint, that he or they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, then, on Payment of the Principal and Interest so due on such Mortgage or Mortgages, such Mortgagee or Mortgagees shall convey, assign, and transfer the said Mortgage or Mortgages, and his, her, or their Interest in the Premises, to the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or to such Person or Persons as shall be appointed as aforesaid in Trust for him or them; but in case such Mortgagee or Mortgagees shall refuse to convey or assign on such Tender or Payment as aforesaid, then all Interest upon every such Mortgage shall from the Time of such Tender or Expiration of such Notice cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the Value of the Lands,  
Houses,

Houses, and Buildings herein-before authorized to be purchased or taken, or the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall not be liable to pay the Mortgagee or Mortgagees any more than the real Value of such Premises; which Value, in case the Parties cannot agree upon the same, shall be ascertained and settled by a Jury in like Manner as other Values are by this Act directed to be ascertained and settled.

John Perkins  
his Heirs or Assigns  
or the Owner or Owners  
for the Time being  
of the said Market

XX. Provided always, and be it further enacted, That no Error or Mis-statement in the Description of the said Lands, Houses, and Buildings herein-before authorized to be purchased, taken, or used for the Purposes of this Act, or in the Name or Names of the Owner or Owners or Occupier or Occupiers of the same, shall prevent or retard the Execution of this Act, but the same Lands, Houses, and Buildings, and every Part thereof, shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same, or the Owners or Owner or Occupier or Occupiers thereof, were more properly and correctly named and described, provided it shall be made to appear to any Two Justices of the Peace for the said County of *Middlesex*, and be certified by Writing under their Hands, that such Error, Mis-statement, or inaccurate Description proceeded from Mistake, or that the real Owner or Occupier or Owners or Occupiers of such Lands, Houses, and Buildings had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Misnomers in  
Description  
of Property  
to be taken  
not to retard  
Execution of  
the Act.

XXI. Provided always, and be it further enacted, That for preserving Uniformity in the Erections and Buildings already erected and hereby authorized to be erected upon the said Ground, or such Part of it as may be appropriated for the said Market, such Erections and Buildings shall not be subject to the Provisions of an Act passed in the Fourteenth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for the further and better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster and the Liberties thereof, and other the Parishes, Precincts, and Places, within the Weekly Bills of Mortality, the Parishes of Saint Mary-le-bone, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the County of Middlesex; and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law; and that such Provisions, or any of the Clauses contained in such Act, shall not be applied or enforced with respect to any Erection and Building already made or set up by the said *John Perkins* on the said Piece or Parcel of Ground, or hereafter to be made or set up under this Act.*

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

XXII. And be it further enacted, That as soon as the said new Market, Market House, Stables, Stalls, Lofts, Granaries, Sheds, Houses,

Power to hold  
Market and  
take Tolls.

Houses, Pens, Outhouses, Beast-houses, and other Buildings, or any Part of the same, shall be erected, made, and completed, and the Roads for Access to the Market, as herein-before described on the said Plan, shall have been completed, and opened for public Use without Payment of any Toll for the Use of such Roads, and such Order or Certificate as aforesaid of such Completion shall have been made or obtained by or from His Majesty's Justices of the Peace for the County of *Middlesex* in Quarter Sessions assembled, the said Market shall for ever be deemed and taken to be a public Market, and it shall be lawful for the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to have, hold, and keep the said Market for the Purposes aforesaid, from thenceforth for ever, upon every *Monday* and *Friday* in every Week (except *Good Friday* and *Christmas Day*), or upon such other Day or Days as shall or may be appointed and fixed for such Purpose under the Power or Provision herein-after contained, and also, by himself or themselves, or any of his or their Clerks, Collectors, Farmers, Officers, or Servants, to ask, demand, recover, receive, and take of and from all and every Persons and Person exposing and offering for Sale or selling, or driving or causing to be driven into the said Market, any Live Cattle, Beasts, Calves, Sheep, Lambs, and Pigs, or any other Description of Live Stock whatsoever, such Rents, Tolls, or Sums of Money for such Cattle, Beasts, Calves, Sheep, Lambs, Pigs, or other Live Stock, *per Head* or otherwise, as the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners of the said Market, shall from Time to Time think fit, not exceeding the Tolls or Sums of Money specified in the Second Schedule to this Act annexed.

Persons authorized may kill and dress Beasts, &c. in Market.

XXIII. And be it further enacted, That it shall be lawful for any Person or Persons, duly authorized in that Behalf by any Writing under the Hand of the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or his or their Agent or Agents, to kill, slaughter, singe, scald, melt, or dress, or cause to be killed, slaughtered, singed, scalded, melted, or dressed, any Beasts, Swine, Calves, Sheep, or other Cattle, or any Fat, Lard, Tallow, Skins, Hides, Horns, or other Articles or Things whatsoever, within the Slaughter-houses or other Buildings in, upon, or belonging to the said Market.

Times when Rent and Tolls shall be payable.

XXIV. And be it further enacted, That the several Tolls by this Act granted shall be payable immediately on the Live Cattle, Beasts, Calves, Sheep, Lambs, Pigs, and any other Live Stock whatsoever in respect whereof such Tolls are authorized to be taken and demanded entering the said Market, or at such other Time as the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall direct; and a List of the Tolls for the Time being to be demanded and taken within the said Market shall for the Space of Fourteen Days previously to the opening of the said Market, and at all Times afterwards, be painted on a Board in legible Characters, and put up and exposed to public View in some conspicuous Part of the said Market, and the same shall from Time to Time be renewed, replaced, or altered when and so often as the same shall



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

XXV. And be it further enacted, That if any Person or Persons who shall hold, use, or occupy any Stall, Shed, Pen, Beast-house, or Sale Stand whatever within the said Market shall refuse to pay the Rent due or payable for such Stall, Shed, Pen, Beast-house, or Sale Stand, on Demand made thereof, then and in such Case, and as often as the same shall happen, it shall be lawful for the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or any other Person or Persons in that Behalf authorized by him or them, to levy and recover such Rent or Rents by Distress and immediate Sale of any Live Stock, Beasts, Cattle, Calves, Sheep, Lambs, or Pigs, or other Articles or Things belonging to such Person or Persons, at any Time found on or in the said Market; and also, if any Person or Persons who shall bring to the said Market and expose for Sale any Live Stock, Beasts, Calves, Sheep, Lambs, or Pigs, shall refuse to pay the Toll or Tolls due and payable for such Live Stock, Beasts, Cattle, Calves, Sheep, Lambs, or Pigs, then and in such Case, and so often as the same shall happen, it shall be lawful for the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or any other Person or Persons in that Behalf authorized by him or them, to levy and recover such Toll or Tolls as last aforesaid by Distress and immediate Sale of any Live Stock, Beasts, Cattle, Calves, Sheep, Lambs, or Pigs, or other Articles or Things belonging to such Person or Persons, at any Time found on or in the said Market; the Person or Persons who shall make any such Distress as aforesaid in every Case returning or paying, on Demand, to the Person or any One or more of the Persons whose Live Stock, Beasts, Cattle, Calves, Sheep, Lambs, or Pigs as aforesaid shall have been distrained, the Overplus (if any) of the Live Stock, Articles, or Things distrained, or of the Money arising from the Sale thereof; and in case any Dispute or Difference shall arise concerning or in consequence of any such Distress or Sale, such Dispute or Difference shall and may be settled and determined by any Two or more of His Majesty's Justices of the Peace for the said County of *Middlesex* in Petty Sessions assembled, who are hereby empowered and required, on Application being made to them for that Purpose, to summon the Parties before them, and to hear and determine upon Oath the Matter of any Complaint which may be made concerning or in consequence of such Distress or Sale, and to make such Order therein, and award such Costs to either Party, as to such Justices shall, in their Discretion seem meet, and by Warrant under their Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of any Live Stock, Goods, or Chattels, being the Property of the Party

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

or Parties liable to pay the same, rendering the Overplus (if any) of such Goods and Chattels distrained, or of the Money arising from the Sale thereof, to the Owner or Owners thereof, after deducting in every Case the reasonable Charges of such last-mentioned Distress and Sale.

Nothing herein to prevent Recovery of Tolls by Action.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or any of them, from suing for and recovering in any of His Majesty's Courts of Record at *Westminster* any Sum or Sums of Money whatsoever which shall become due or payable to him, them, or any of them, as or for or in respect of any such Rent or Toll or Rents or Tolls as aforesaid, if Default shall be made in Payment thereof.

Power to make Bye Laws, &c.

XXVII. And be it further enacted, That it shall be lawful for the said *John Perkins*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to make, constitute, provide, and ordain such Rules, Orders, and Bye Laws (not inconsistent with or repugnant to the Directions or Provisions contained in this Act, or to or with any Law or Statute of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*;) for fixing or altering the Day or Days upon which the said Market shall or may be held, and also the Times at which any particular Live Stock or Cattle shall be brought to or exposed for Sale in the said Market, and for fixing the Hours for commencing and closing the said Market on each Day, provided that such closing shall not be earlier than Four of the Clock in the Afternoon of the Day on which such Market shall be held, and for the Arrangement and Division of the said Market, and for the placing in the said Market of any Waggon or Carts, and also for the bringing in or taking away any Live Stock or Cattle to or from the said Market, and for placing in the said Market of the Live Stock or Cattle brought to the same for Sale or Lairage, and for the cleansing of the said Market, and for the letting, occupying, holding, and using of the Stalls, Pens, Beast-houses, Sheds, and Stands there, and for the regulating, ordering, and governing of the said Market, and for the regulating, ordering, and governing (so far as relates to the said Market) of all Persons having or seeking for any Business or Employment in the said Market; and in such Rules, Orders, and Bye Laws to fix and specify what pecuniary or other Penalties and Forfeitures shall be incurred by any Person breaking the same or any of them, provided that no such pecuniary Penalty or Forfeiture shall exceed the Sum of Ten Pounds for any One Offence; all which Rules, Orders, and Bye Laws so to be made from Time to Time as aforesaid all Persons whom it may concern are hereby required to observe and keep, under such Penalties and Forfeitures respectively as shall be so ascertained, fixed, and specified as aforesaid; and all such Rules, Orders, and Bye Laws shall be signed by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and a Copy thereof shall be painted on Boards in legible Characters, and put up and exposed to public

public View in some conspicuous Parts of the said Market, and the same shall from Time to Time be renewed and replaced when and as often as the same shall be added to or amended, or obliterated or defaced.

XXVIII. And be it further enacted, That no Rule, Order, or Bye Law to be made by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, under or for the Purposes of this Act, shall be good, valid, or effectual, nor shall any such Rule, Order, or Bye Law be amended, altered, or repealed, unless such Rule, Order, or Bye Law, or such Amendment, Alteration, or Repeal, shall have been submitted to and allowed and approved of from Time to Time by Two or more of His Majesty's Justices of the Peace for the said County of *Middlesex* in Quarter Sessions assembled, who are hereby empowered and required, on Request from Time to Time to them made by or on behalf of the said *John Perkins*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to peruse and examine such Rules, Orders, and Bye Laws, or any Amendment, Alteration, or Repeal thereof, and to allow and approve of or disallow and disapprove of such Rules, Orders, and Bye Laws, or any Amendment, Alteration, or Repeal thereof or any Part thereof, as to them shall from Time to Time seem proper and expedient, and for doing thereof no Fee or Reward shall be paid or taken.

Bye Laws,  
&c. to be  
approved  
of by Two  
Justices.

XXIX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or any Person using or frequenting the same, from any Indictment or Prosecution for a public or private Nuisance in respect of the said Market.

Act not to  
prevent In-  
dictment for  
Nuisance.

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

Power to ap-  
point Officers.

XXXI. And be it further enacted, That if any Tenant of the said Market, or any other Person whomsoever, shall wilfully obstruct or hinder the Owner or Owners for the Time being of the said Market, or his or their Servants, or any Person by them employed for that Purpose, in the sweeping or cleansing of the said Market or any Part thereof, or in the taking or carrying away of any  
Dust,

Penalty on  
Tenants for  
preventing  
Owners of  
Market from  
cleansing  
Market.

Dust, Dirt, Rubbish, Offal, Dung, Soil, or other Filth whatsoever found therein, every Person so offending shall for every such Offence forfeit and pay by way of Penalty any Sum not exceeding Forty Shillings.

Penalty for preventing Tenants from cleansing Market.

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

For securing transient Offenders.

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

Power to Justices to summon and convict Offenders.

XXXIV. And be it further enacted, That in every Case in which any Person shall offend against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, Information against such Person of the Offence committed by him or her may be given to any One or more of His Majesty's Justices of the Peace for the County of *Middlesex*; and upon such Information being given such Justice or Justices is or are hereby authorized and required to summon before Two or more Justices in Petty Sessions assembled the Party complained against, and upon the Offender appearing upon such Summons, or upon Proof being given of such Summons having been served upon the Person summoned, or left at his or her usual or last Place of Abode, it shall be lawful for such Justices to hear and determine the Matter of Complaint against such Offender, and on Proof of the Offence to convict the Offender, and adjudge him or her to pay the Penalty or Forfeiture which he or she may have incurred; and all such Proceedings by Summons shall be valid and effectual

effectual to all Intents and Purposes; whether the Information upon which such Summons was granted was in Writing or not.

XXXV. And be it further enacted, That all Penalties or Forfeitures inflicted or imposed by this Act, or by virtue of any Rule, Order, or Bye Law made in pursuance thereof, may in all Cases of Nonpayment thereof, upon Conviction before any such Justices of the Peace, be recovered in a summary Manner by the Order and Adjudication of such Justices as aforesaid, and levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders liable to pay the same, by Warrant under the Hands and Seals of such Justices as aforesaid; and the Overplus (if any) of the Money so in every Case raised or recovered, after discharging the Penalty or Forfeiture and the Costs as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures shall be paid to the Clerk of the Peace of the said County of *Middlesex*, and be by him applied in aid of the County Rates of the said County; and in case any Penalty or Forfeiture shall not be forthwith paid it shall be lawful for such Justices, and they are hereby authorized and required, to order any Offender so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices for his, her, or their Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, on such Day as shall be appointed for the Return of any such Warrant of Distress (such Day not being more than Eight Days from the taking of such Security), and which Security any One or more of the said Justices is or are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the said Justices, upon the Confession of the Offender or otherwise, that he or she hath not sufficient Goods and Chattels whereupon such Penalty or Forfeiture and Costs could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but in such Case it shall be lawful for such Justices, and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the said County of *Middlesex*, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall be otherwise discharged by due Course of Law.

Recovery and Application of Penalties.

XXXVI. And be it further enacted, That in every Case in which any Sum which by virtue of this Act shall be awarded or determined by any Justices as a Compensation for any Destruction, Damage, or Injury, shall not be paid on the Conviction of the Offender, the Jus-

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

[Local.]

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Justices

tices who shall have so awarded or determined, or any other Justices for the said County of *Middlesex*, are hereby authorized and required to cause such Sum to be levied and paid by Distress and Sale of the Offender's Goods and Chattels, in the same Manner precisely as is by this Act directed in regard to the levying and Payment of Penalties and Forfeitures.

Form of  
Conviction.

XXXVII. And be it further enacted, That the Justices of the Peace before whom any Person shall be convicted for or in respect of any Offence against this Act may cause the Conviction of such Person to be drawn up according to the Form or to the Effect following; (that is to say,)

‘ **B**E it remembered, That on the                      Day of                      in the  
 ‘ Year of our Lord                      *A. B.* is convicted before us,  
 ‘ *C. D.* and *E. F.*, Two of His Majesty's Justices of the Peace for  
 ‘                      [*specify the Offence, and the Time and Place when*  
 ‘ *and where the same was committed, as the Case may be*], contrary to  
 ‘ an Act passed in the                      Year of the Reign of King *William*  
 ‘ the Fourth, intituled [*here set forth the Title of this Act*]. Given  
 ‘ under our Hands and Seals the Day and Year first above written.’

Distress not  
unlawful for  
Want of  
Form.

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

Persons ag-  
grieved may  
appeal to  
Quarter  
Sessions.

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

levied in pursuance of such Rule, Order, Judgment, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment shall think just and reasonable.

XL. Provided always, and be it further enacted, That in every Case of a Prosecution for an Offence against any Rule, Order, or Bye Law which may be made in pursuance of this Act, the Production of a written or printed Paper containing such Rule, Order, or Bye Law, or a Copy thereof, and authenticated by having the Signature of the Clerk of the Peace for the said County of *Middlesex* for the Time being affixed thereto, shall be Evidence of the Existence of such Rule, Order, or Bye Law; and further, that Evidence of a Board having been duly put up and exposed to public View in some conspicuous Part of the said Market, containing a Copy of the Rules, Orders, and Bye Laws for the Time being in force relative to the said Market, or any of them, shall be sufficient to prove that such Board contains a true Copy of the Rules, Orders, and Bye Laws contained therein, and also to prove that such Board has been continued exposed to public View, according to the Provisions of this Act; unless satisfactory Evidence shall be adduced to the contrary by the Defendant in any such Prosecution.

Authenticated Bye Law to be Evidence.

XLI. And be it further enacted, That no Conviction, nor any Order or Determination, nor any Appeal, in pursuance of this Act, shall be quashed or vacated for Want of Form only, nor be removed or removable into any of His Majesty's Courts of Record at *Westminster*, by Certiorari or any other Writ or Process whatsoever, any Law, Statute, or Usage to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form

XLII. Provided always, and be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of or contrary to this Act, or any Rule, Order, or Bye Law which may be made in pursuance thereof, unless Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action or Suit to the intended Defendant or Defendants, nor unless such Action or Suit shall be brought or commenced within Six Calendar Months next after the Cause of such Action or Suit shall have originated, or in case there shall be a Continuation of Damage then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action shall be laid and brought in the County where the Cause thereof shall arise; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the Authority of this Act; and if it shall appear to have been so done, or that such

Actions not to be brought without Notice.

Action

Action or Suit shall have been brought otherwise than as hereinbefore directed, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon their Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of Amends.

XLIII. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or she shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Justices empowered to administer Oaths.

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

If Lease be made of Market, the Lessee to have the same Power as Mr. Perkins.

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



been made or created; and every such Lessee or Tenant shall during the Term of his or her Lease or Tenancy have and enjoy all the Powers, Privileges, and Advantages, and be subject to all the Obligations, in respect of the said Market, which the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, would have had and enjoyed or been subject to by virtue of this Act or otherwise if such Lease or Tenancy had not been made or created.

XLVI. And whereas the Mayor and Commonalty and Citizens of the City of *London*, from Time whereof the Memory of Man runneth not to the contrary, have been and now are seised in Fee of an ancient Market for the Sale of Live Cattle, Horses, Sheep, Pigs, Hay, Straw, and other Commodities, commonly called *Smithfield* Market, which Market is held, amongst other Days, on the *Monday* and *Friday* in every Week, being the same Days as those on which the Market hereby created is authorized to be held, and the said Mayor and Commonalty and Citizens have from Time to Time received and do now receive the ancient and accustomed Tolls, Dues, and Profits for the Sale of the aforesaid Live Stock and other Commodities: And whereas neither the said *John Perkins* or any other Person can of common Right erect or hold a Market at *Islington* aforesaid, or elsewhere within Seven Miles of the said ancient Market called *Smithfield* Market: And whereas His late Majesty King *Edward* the Third, by a Charter dated the Sixth Day of *March* in the First Year of His Reign, and made and passed with the Consent of Parliament, granted and confirmed unto the Citizens of the City of *London* that no Market from thenceforth should be granted by His said Majesty or His Heirs within Seven Miles in Circuit of the said City; and the said Charter has been confirmed by divers other Charters and Acts of Parliament: And whereas it is expedient that the Rights of the said Mayor and Commonalty and Citizens, and the Tolls, Dues, and Profits received and taken by them in respect of their said ancient Market, should not be infringed or impaired by the Erection of the Market hereby authorized to be erected by the said *John Perkins*; be it therefore further enacted, That from and immediately after the opening of the said Market hereby authorized to be established at *Islington* the Ground and Soil of the same Market, and all Buildings erected or to be erected upon the said Market Place, and also all the Tolls, Rents, Dues, and Profits arising from the same Market, Ground, and Buildings, shall be and the same are hereby for ever charged and made chargeable with the Payment of the annual Sum or Compensation herein-after directed to be paid by the said *John Perkins*, his Heirs or Assigns, or other the Owner or Owners for the Time being of the same Market, to the said Mayor and Commonalty and Citizens, as a Compensation for the Loss and Injury to be sustained by them by the Diminution of the Tolls, Dues, and Profits of *Smithfield* Market by reason of the Establishment and Continuance of the said Market at *Islington*.

Compensation to be made to the City of London.

XLVII. And be it further enacted, That if by the Establishment of the said Market by this Act authorized, and the Sale of Live  
[Local.] 38 C Cattle,

Directing how Compensation is

to be made  
and reco-  
vered.

Cattle, Beasts, Calves, Sheep, Lambs, and Pigs, or any other Description of Live Stock whatsoever therein, the clear net Amount of Tolls, Dues, and Profits heretofore legally demanded and collected in the said Market of *Smithfield* shall be reduced or decreased, the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners of the said Market for the Time being, shall and he and they is and are hereby required to make Compensation to the said Mayor and Commonalty and Citizens for such Reduction or Decrease in the Manner following; (that is to say,) the clear net average Amount of the Tolls, Dues, and Profits of *Smithfield* Market which shall have been legally demanded and collected by the said Mayor and Commonalty and Citizens as aforesaid for or in respect of the said Market for a Period of Ten Years immediately preceding the passing of this Act shall be ascertained (provided the Amount shall not have been previously agreed upon or consented to by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners of the said Market for the Time being, and the said Mayor and Commonalty and Citizens) by Two Persons, the one to be appointed by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners of the said Market for the Time being, and the other by the said Mayor and Commonalty and Citizens; and if such Two Persons shall not agree, the Matter in question shall be referred to a Third Person, to be named as Umpire by the said Two Persons first named, and the Decision of such Umpire shall in such Case be final: Provided always, that if the said Mayor and Commonalty and Citizens, or the said *John Perkins*, his Heirs or Assigns, or other the Owner or Owners for the Time being of the said Market, as the Case may be, shall respectively refuse to appoint such Person as aforesaid as an Arbitrator on their Behalf respectively, or shall neglect to appoint such Arbitrator after One Month's Notice in Writing for that Purpose to be given by the other Party, such Notice to be served by the said Mayor and Commonalty and Citizens upon the said *John Perkins*, his Heirs and Assigns, or other the Owner or Owners for the Time being of the said Market, by affixing the same on any Part of the said Market, and such Notice to be given by the said *John Perkins*, his Heirs and Assigns, or other such Owner or Owners as aforesaid of the said Market, by leaving the same with the Town Clerk of the said Mayor and Commonalty and Citizens, or at his Office, or in case any Person appointed as an Arbitrator by and on behalf of the aforesaid Parties respectively shall die, or refuse to act, or become incapable of acting, and no other Person shall be appointed in his Stead within One Month after Notice being given in manner aforesaid by either of the said Parties to the other, in manner aforesaid, of such Death, Refusal, or Incapability, then and in any and every such Case it shall be lawful for any Judge or Baron of any of His Majesty's Courts of Record at *Westminster*, and he is hereby required, upon the Request of either of the aforesaid Parties, to nominate and appoint by Writing under his Hand a proper Person to act on behalf of the Party making such Default as aforesaid in the Appointment of an Arbitrator, which Person shall thereupon have the same Power and Authority in all respects as if appointed by the Party making default; and that when and so soon as the said clear net average annual Amount of such Tolls, Dues, and Profits as aforesaid shall

have been ascertained, or agreed upon or consented to, as aforesaid, the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall, at the Expiration of Twelve Calendar Months after the said Market by this Act authorized shall be opened and used as a Market for the Sale of Live Cattle, Beasts, Calves, Sheep, Lambs, and Pigs, or any other Description of Live Stock whatsoever, and at the like Expiration of every succeeding Twelve Calendar Months, pay over to the said Mayor and Commonalty and Citizens so much Money (if any) as may be necessary to make good such Reduction or Decrease in the Amount which shall have been so ascertained or agreed upon or consented to as aforesaid, and which shall have arisen from or been produced by the Sale of Live Cattle, Beasts, Calves, Sheep, Lambs, and Pigs, or any other Description of Live Stock whatsoever, in the said Market hereby authorized to be established, to such Damage and Prejudice of the said Market at *Smithfield* as aforesaid; and which said Sum of Money so to be from Time to Time paid over as aforesaid by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to the said Mayor and Commonalty and Citizens, shall be ascertained and determined from Time to Time in the same Manner as the said clear net average annual Amount of Tolls, Dues, and Profits received and collected by the said Mayor and Commonalty and Citizens during the Ten Years previous to the passing of this Act is herein directed to be ascertained and determined; and in case the Sum of Money so to be ascertained as aforesaid, or any Part thereof, shall at any Time hereafter and from Time to Time be in arrear and unpaid for the Space of Thirty Days next after the same shall become due and be demanded, then and in such Case and so often as the same shall happen it shall be lawful for Two or more Justices of the Peace for the said County of *Middlesex* not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of the said Mayor and Commonalty and Citizens, by an Order under their Hands to appoint some Person to receive the Whole or any Part of the said Rents, Tolls, or Sums by this Act authorized to be collected, and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the said Mayor and Commonalty and Citizens, until the aforesaid Sum, together with the Costs and Charges of recovering and receiving the same, shall be fully paid and satisfied; and after the Sums so due, and Costs, shall have been paid and satisfied, the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Money so due and unpaid as aforesaid may be sued for and recovered from the Owner or Owners for the Time being of the said Market, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

XLVIII. Provided always, and be it further enacted, That the Compensation herein-before provided for the said Mayor and Commonalty and Citizens shall be paid and payable during such Time only as the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market hereby authorized to be established, shall hold a Market for the Sale of Live Cattle,

Compensation to be paid only while the Market is held.

Beasts,

Beasts, Calves, Sheep, Lambs, and Pigs, or any other Description of Live Stock whatsoever, on [the said Piece or Parcel of Ground hereinbefore mentioned and appointed for that Purpose; any thing hereinbefore in this Act contained to the contrary thereof notwithstanding.

Compensation not to be made in respect of any Reduction, &c. of the Tolls in Smithfield Market.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to render liable the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market hereby authorized to be established, to the Payment of any Sum or Sums of Money, by way of Compensation or otherwise, to the said Mayor, Commonalty, and Citizens, for or in respect of any Decrease or Reduction in the Amount of the Tolls, Dues, and Profits arising from the said Market at *Smithfield* as may happen or be produced by or through the wilful Neglect or Default of the said Mayor and Commonalty and Citizens, or any of their Agents, Servants, or others, or by, through, or in consequence of any Reduction in the Amount of the present Tolls and Charges now received, made, and taken in *Smithfield*, or any or either of them, or by or through or in consequence of the Appointment of any additional Officers, Servants, or other Persons in respect of the said Market, or by, through, or in consequence of any Increase which may be made by them in the Expences and Outgoings in respect of the said Market beyond the present Amount thereof.

If Tolls in Smithfield do not amount to 500*l.* for Three successive Years the Site thereof may be applied to other Purposes.

L. Provided always, and be it further enacted, That if from any Cause whatever the clear net Tolls, Dues, and Profits arising from the said Market of *Smithfield* shall not for Three successive Years amount to the Sum of Five hundred Pounds *per Annum*, that then and in such Case it shall be lawful to and for the said Mayor and Commonalty and Citizens, and they are hereby authorized and required, either to let, set, and demise the Site of the said Market at *Smithfield*, and the Ground and Soil now used and appropriated for the Purposes thereof, reserving proper Streets and Ways, or to sell and dispose of all or any Part thereof, for the best Price or Prices than can be got for the same, for the Purpose of Buildings and Improvement of the said City; and if at any Time hereafter the Site of *Smithfield*, and the Ground and Soil now used or employed for the Purposes of the said Market, or any Part thereof, shall be used or appropriated for the Purpose of building upon, or shall be converted or applied to any other Purpose, the Rent or Profit which shall arise or be derived from the same shall go to and be estimated as Part of the Sum so received by the said Mayor and Commonalty and Citizens as the net Amount of the Tolls, Dues, and Profits of the said *Smithfield* Market: Provided also, that if at any Time hereafter the Rent or Profit which shall be derived from the Site, Soil, or Ground of *Smithfield* Market, when so built on or otherwise appropriated as aforesaid, shall amount for the Space of Seven consecutive Years to the said clear net average annual Amount so to be ascertained as having been received by the said Mayor and Commonalty and Citizens as aforesaid, that then and from thenceforth the Payments for Compensation hereby directed to be made by the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for

If the Rents for such Site shall amount to a certain Average the Compensation to cease.

for the Time being of the said Market, to the said Mayor and Commonalty and Citizens as aforesaid, and all Claims and Demands in respect thereof; shall cease, determine, and be no longer paid or payable.

LI. And be it further enacted, That the said *John Perkins*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, shall be at liberty and he and they is and are hereby empowered, at all reasonable Times, by himself or themselves, or any authorized Agent, to inspect the Receipts, Charges, and Expenditure of the said Market at *Smithfield*, so long as the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being; shall have to make any Compensation to the Mayor and Commonalty and Citizens of the said City of *London*.

Owner of Market may inspect Receipts of *Smithfield* Market.

LII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, all such Estates, Rights, Titles, Interests, Powers, Authorities, Claims, and Demands whatsoever as He or They or any of Them had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not been made.

General Saving of Rights.

LIII. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, save and except as is by this Act provided and enacted.

Saving the Right of the Mayor, &c. of the City of *London*.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Limits of *Holborn* and *Finsbury* Divisions, the Parish of *Saint Leonard Shoreditch*, and the Liberty of *Norton Folgate*, in the County of *Middlesex*; and the Borders and Confines of the same, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Saving Clause to guard the Powers of the Commissioners of Sewers for *Holborn* and *Finsbury* Divisions, &c.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said *John Perkins*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to dig, sink, or lay down any Drain, Pipe, Culvert, or Watercourse upon, over, or under all or any of the Roads under the Charge and Care of the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, nor in any Manner to interfere with, prejudice, or affect all or any of such Roads, without the Consent of the said Commissioners for that Purpose previously had and obtained; nor shall any thing in this Act contained extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the said Commissioners, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual to all Intents and Purposes as if this Act had not been passed.

Saving the Rights of the Commissioners of the Metropolis Roads.

Savinge the Rights of the Trustees of the Parish of Saint Mary's Islington under 5 G.4. c. 125.

LVI. Provided always, and be it further declared and enacted, That nothing in this Act shall extend or be deemed or construed to extend to prejudice, diminish, affect, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Trustees of the Parish of *Saint Mary Islington* under and by virtue of an Act of Parliament, intituled *An Act to repeal several Acts, for the Relief and Employment of the Poor of the Parish of Saint Mary Islington in the County of Middlesex; for lighting and watching and preventing Nuisances and Annoyances therein; for amending the Road from Highgate, through Maiden Lane, and several other Roads in the Parish; and for providing a Chapel of Ease and an additional Burial Ground for the same; and to make more effectual Provisions in lieu thereof; but all the Rights, Powers, and Authorities vested in them and their Successors by the said Act shall be as good, valid, and effectual as if this Act had not been passed (save and except as is by this Act provided and enacted).*

Public Act.

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

## SCHEDULES referred to by the foregoing Act.

### The FIRST SCHEDULE.

The Lands, Buildings, and Premises required and to be taken for the Purposes of the said Market.

A Slip or Piece or Parcel of Ground claimed to be the Property of William Rhodes, Esquire, and now in the Occupation of John Perkins, containing by Estimation 3 Acres 1 Rood and 38 Perches, more or less, adjoining the said Market in the Rear thereof, and bounded on the West by the said Market, on the East by Lands belonging to Richard Benyon De Beauvoir, Esquire, and at the South End or Extremity thereof by the Land belonging to James Scott, Esquire, together with the several Cottages or Tenements thereon, and now in the several Occupations of West, Baker, Peter Spicer, William Evans, William Ranger, George Nicholls, Noker, Alexander Impey, John Collard, & John Pike.

The

## The SECOND SCHEDULE.

Tolls to be taken for Cattle brought into or exposed to Sale in the Market.

	<i>s.</i>	<i>d.</i>
For every Horse, Mule, or Ass, for each Market Day - -	0	4
For each and every Entry of Sale of such Horse, Mule, or Ass -	0	6
For every Ox, Bullock, or other Neat Cattle, for each Market Day	0	2
For every Ox, Bullock, or other Neat Cattle which shall be and remain in the said Market on any Day not being a Market Day, or which shall be left in the said Market on a Market Day after the Hour for closing the said Market, for every 24 Hours, or any Portion thereof - - - - -	0	3
For every Calf, for each Market Day - - - - -	0	1
For every Calf which shall be and remain in the said Market on any Day not being a Market Day, or which shall be left in the said Market on a Market Day after the Hour for closing the said Market, for every 24 Hours, or any Portion thereof - -	0	2
For every Score, and so in proportion for any greater or less Number, of Sheep or Lambs, for each Market Day - - - - -	1	2
For every Score, and so in proportion for any greater or less Number, of Sheep or Lambs which shall remain in the said Market on any Day not being a Market Day, or which shall be left in the said Market on a Market Day after the Hour for closing the said Market, for every 24 Hours, or any Portion thereof -	1	0
For every Score, and so in proportion for any greater or less Number, of Hogs or Pigs, for each Market Day - - - - -	1	4
For every Score, and so in proportion for any greater or less Number, of Hogs or Pigs which shall remain in the said Market on any Day not being a Market Day, or which shall be left in the said Market on a Market Day after the Hour for closing the said Market, for every 24 Hours, or any Portion thereof -	2	0

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