ANNO QUINTO

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niently appropriated for the Enlargement of the said Market, which Piece or Parcel of Land is situate and bounded on the North partly by *Market Street* in *Devonport* aforesaid, and partly by a House and Courtlage in *Pond Lane*, in the Possession of *John Gouldsworthy*, on the East by a House and Courtlage in *Barrack Street*, in the Possession of *William Easterbrook*, and on the West by *Pond Lane* aforesaid: 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 from and after the the passing of this Act it shall be lawful for the said Sir *John St. Aubyn*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Piece or Parcel of Ground herein-before described, from Time to Time, and when and as he or they shall think fit, to enlarge the said Market called *Devonport Market*, and to divide, arrange, and appropriate the Ground whereon the said Market is now held, and the said Piece of Ground herein-before described, together with any Houses or Buildings standing thereon, in such Manner, and upon or under the same to erect and build such Erections and Buildings, and to form and make such Vaults and Cellars, and to erect and make such Reservoirs and Cisterns for the Purpose of holding Water for the Supply of the said Market, and from Time to Time to make such Alterations in the Division, Arrangement, and Appropriation of the said Ground whereon the same is or shall be held, and such Repairs, Amendments, and Alterations of or in the Shops, Stalls, Standings, Erections, and Buildings for the Time being thereon, or in the Vaults and Cellars for the Time being under the same, and of and in the Reservoirs and Cisterns for the Time being upon or under the same, and of and 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, Deeds, and Things as shall appear to the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or the Ground whereon the same shall be held, to be necessary, proper, or advisable for the Preservation, Support, and Continuance of the said Market; and the said Market shall from henceforth be a Market for the Sale of live Cattle, Horses, and Sheep, Corn, Grain, and Pulse, and Meat, Fish, Poultry, Game, Meal, Flour, Butter, Cheese, Fruit, Vegetables, and other Articles of Food, Plants, Flowers, Roots, Seeds, Herbs, and all such other Articles and Things as the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall, by Notice to be painted on a Board in legible Characters, and put up and exposed to public View in some conspicuous Part of the said Market, direct.

Devonport Market may be enlarged.

II. And be it further enacted, That it shall be lawful for the said Sir *John St. Aubyn*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to let the Erections and Buildings, comprising Shops, Rooms, Storehouses, and Warehouses, Stalls and Standings, for the Time being standing or being upon the Ground whereon the said Market shall be held, and also the Vaults and Cellars for the Time being within or under the same, and also all other the Profits of the said Market, to such Persons as shall be desirous of taking the same, for such Terms or Periods and at such Rents as the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners

Power to lease the Buildings in the Market.

for the Time being of the said Market, shall think fit; and in any Lease or Leases to be granted under this Power it shall be lawful for the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, notwithstanding any thing herein-before contained to the contrary, to give the Lessee or Lessees Power to expose for Sale and sell in any Erection or Building or Erections or Buildings, Stalls or Standings, comprised in such Lease or Leases, any Article or Thing or Articles or Things whatsoever, besides those for the Time being saleable in the said Market under the Provisions of this Act.

Power to take the Tolls specified in the Schedule.

III. And be it further enacted, That it shall be lawful for the said Sir *John St. Aubyn*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take, or cause to be demanded and taken, of and from any Person or Persons bringing any Goods or Articles to the said Market, the several Tolls specified in the Schedule to this Act.

List of Tolls to be exposed to View at the Weighing Shed, &c.

IV. And be it further enacted, That within One Calendar Month after the passing of this Act a List of the Tolls by this Act authorized to be demanded and taken in the said Market shall be printed or written in legible Characters, and be exposed to public View at the Weighing Shed or Sheds of the said Market, or in some conspicuous Part of the said Market; and the same shall from Time to Time be restored or altered when and so often as the same shall be obliterated or defaced, or any Alteration shall be made in the Rate of the Tolls or any of them; and it shall not be lawful to demand or receive any of the said Tolls, except for and during the Time that the List herein-before mentioned shall remain so exhibited as aforesaid.

Owner of the Market may provide Weighing Places, Scales, &c., and take a Toll for the Use thereof.

V. And be it further enacted, That it shall be lawful for the said Sir *John St. Aubyn*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to erect and appoint such One or more Shed or Place, Sheds or Places, in the said Market, as he or they shall from Time to Time think proper, for weighing or measuring such Articles and Things sold or exposed for Sale in the said Market as shall be bought and sold by Weight or Measure, and also to provide and keep a proper and sufficient Machine or Machines, and proper and sufficient Weights, Scales, and Measures, according to the respective Standard Weights and Measures as by Law is established, at such Shed or Place, Sheds or Places, and to appoint some proper Person or Persons to attend the same respectively at such Time or Times as in the Rules, Orders, or Bye Laws to be made by virtue of this Act shall from Time to Time be directed; and every Person selling any Article or Thing or Articles or Things, by Weight or Measure, in the said Market, shall weigh or measure the same at such Shed or Place, Sheds or Places, as aforesaid, in or by the said Machine or Machines, Weights, Scales, or Measures, if required so to do by the Buyer of the same Article or Thing or Articles or Things; and in order to defray the Expences of providing the said Machine or Machines, Weights, Scales, and Measures as aforesaid, and of a proper Person or Persons to attend the same as aforesaid, there shall be paid by the Buyer requiring any Article or Thing, Articles or Things to be weighed or measured as aforesaid, a Toll or Tolls for such weighing or measuring,

measuring, not exceeding the Sum or Sums specified in the Schedule to this Act; and it shall be lawful for the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take, or cause to be demanded or taken, such Toll or Tolls accordingly.

Times when Rents and Tolls shall be payable.

VI. And be it further enacted, That the Rents for any Stall or Standing or other Building within the said Market may, at the Discretion of the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, be payable in advance; and the Tolls for weighing or measuring shall be payable immediately on the Completion of such weighing or measuring.

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

VII. And be it further enacted, That if any Person or Persons who shall hold, use, or occupy any Stall, Standing, or Building within the said Market shall refuse to pay the Rent due or payable for such Stall, Standing, or Building, or if any Person or Persons who shall bring to the said Market any Waggon or Cart, or any Article or Thing whatsoever liable to pay Toll, shall refuse to pay the Toll or Tolls due or payable, it shall be lawful for the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or any Person or Persons authorized by him or them so to do, to levy and recover such Rents or Tolls by Distress and immediate Sale of a sufficient Part of any Articles or Things at any Time found on any such Stall, Standing, or Building, or in any such Waggon or Cart as aforesaid, or in any other Part of the said Market, or adjacent thereto, returning or paying, on Demand, to the Person or any One or more of the Persons on whose Stand, or on whose Waggon or Cart, or from whose Charge the same Articles or Things shall have been distrained, the Overplus (if any) of the Articles or Things distrained, or of the Money arising from the Sale thereof, or both; 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 One or more of His Majesty's Justices of the Peace for the said County of *Devon*, who is or are hereby empowered and required to summon the Parties before him or 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 Justice or Justices shall, in his or their Discretion, seem meet, and by Warrant under his or their Hand and Seal or Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) of the Goods and Chattels distrained, or of the Money arising from the Sale thereof, or both, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such last-mentioned Distress and Sale.

Nothing in this Act to prevent the Recovery of Rent or Toll by Action in

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall hinder or prevent the said Sir *John St. Aubyn*, 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

whatsoever which shall become due or payable to him, them, or any of them, as or for or in respect of any Rent or Toll which shall be due or payable for or in respect of any Stall, Standing, or Building in the said Market, or for or in respect of any Waggon or Cart which shall be brought to the said Market, or any other Articles liable to pay Toll, or for or in respect of the weighing or measuring of any Article or Thing in the said Market. any of His Majesty's Courts of of Record.

IX. And be it further enacted, That if any Seller of any Article or Thing or Articles or Things which shall be sold by Weight or Measure in the said Market shall refuse or neglect to weigh or measure the same at, by, and with the Machine or Machines, Weights, Scales, or Measures to be so provided as aforesaid, upon being required so to do by the Buyer or Buyers of such Article or Thing or Articles or Things, or if the Buyer or Buyers of any Article or Thing or Articles or Things which shall be so weighed or measured as aforesaid shall refuse or neglect to pay the Toll or Tolls due or payable for such weighing or measuring, the Person or Persons in either Case so refusing or neglecting shall forfeit and pay, by way of Penalty for every such Refusal or Neglect, any Sum not exceeding Ten Shillings. Penalty on Seller refusing to weigh and measure, and on Buyer refusing to pay Tolls.

X. And be it further enacted, That it shall be lawful for the said Sir *John St. Aubyn*, 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 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 the Times at which any particular Articles or Things 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, and for the Arrangement and Division of the said Market, and for placing in the said Market of the Waggons and Carts bringing or taking away any Articles or Things to or from the said Market, and for the placing in the said Market of the Articles and Things brought to the same for Sale, and for the cleansing of the said Market, and for the letting, occupying, holding, and using of the Stalls and Standings 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) 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 Forty Shillings for 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 such Rules, Orders, and Bye Laws shall not be enforced, except the same shall be previously signed by the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and shall also be approved and confirmed by the Jury of the Court Leet held for the Manor of *Stoke Damerel* in the said County of *Devon*. Power to make Bye Laws, &c.

Bye Laws to be exposed to View, &c.

XI. And be it further enacted, That all Rules, Orders, and Bye Laws from Time to Time made for the regulating, ordering, and governing of the said Market shall be printed or written in legible Characters, and shall be exposed to public View in the Office or Counting-house of the Clerk or the Lessee of the said Market, and also in some conspicuous Part of the said Market, and the same shall from Time to Time be restored or altered when and so often as the same shall be obliterated or defaced, or any Alteration shall be made in the Rules, Orders, and Bye Laws for the regulating, ordering, or governing of the said Market.

Officers to be appointed.

XII. And be it further enacted, That it shall be lawful for the said Sir *John St. Aubyn*, 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 the said Sir *John St. Aubyn*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, 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 Sir *John St. Aubyn*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, shall think proper.

Penalty on obstructing Officers, &c. in execution of this Act.

XIII. And be it further enacted, That if any Person shall assault, hinder, or obstruct any Tenant of the said Market, or any Collector of the Rents or Tolls by this Act authorized to be taken, or other Person authorized to receive the same, or any Person employed by the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to superintend or regulate the said Market, or to keep Order therein, every Person offending in any of such Cases shall forfeit and pay by way of Penalty any Sum not exceeding Forty Shillings for every such Offence.

Penalty for committing Nuisances and doing Damage in the Market.

XIV. And be it further enacted, That if any Person shall commit or suffer to be committed any Nuisance whatsoever within the said Market, or shall wilfully, carelessly, or negligently destroy, damage, or injure, or cause to be destroyed, damaged, or injured, any Erection, Building, Material, Article, or Thing, of what Kind or Description soever, within the said Market, every Person so offending shall for every such Offence forfeit and pay by way of Penalty any Sum not exceeding Forty Shillings, and shall in every Case in which his or her Offence shall be any Destruction, Damage, or Injury of or to any Erection, Building, Material, Article, or Thing within the said Market, in addition to such Penalty, pay to the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, or other the Party injured, such a Sum as a Compensation for the Destruction, Damage, or Injury for the Time being committed or done as the Justice or Justices for the said County of *Devon*, by or before whom the Offender shall have been convicted, shall in that Behalf award and determine.

Unwholesome Provisions may be destroyed.

XV. And be it further enacted, That if any Person or Persons shall sell or expose for Sale in the said Market any Meat, Fish, or other Provisions which shall be of an unwholesome Nature, or in a State improper for

for Human Food, it shall be lawful for any Clerk, Collector, or other Person appointed under the Authority of this Act, and such Person or Persons as he shall call to his Assistance, together with any Two of the Inspectors of Weights and Measures appointed by the Court Leet held for the said Manor of *Stoke Damerel*, without any other Authority than this Act, to seize and destroy, or cause to be seized and destroyed, such Meat, Fish, and other unwholesome Provisions as aforesaid; and every Person selling or exposing for Sale any such Meat, Fish, or other unwholesome Provisions as aforesaid shall, in addition to the Forfeiture thereof, for every Offence forfeit and pay by way of Penalty any Sum not exceeding Five Pounds.

For securing Offenders.

XVI. And be it further enacted, That it shall be lawful for any Constable appointed by the said Court Leet, or by the Justices acting for the said County of *Devon*, 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 any such Offender before any Justice or Justices of the Peace for the said County of *Devon*; 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 Offenders, and to convict upon Summons.

XVII. 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 said County of *Devon*; and upon such Information being given such Justice or Justices is or are hereby authorized and required to summon before him or them the Party complained against, and upon the Offender being brought before him or them 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 to all Intents and Purposes, whether the Information upon which such Summons was granted was in Writing or not.

Justices of the Peace may convict Offenders brought before them without Summons.

XVIII. And be it further enacted, That in every Case in which any Person offending against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, shall, by virtue of the Powers contained in this Act, or any of them, be seized and carried before any Justice or Justices of the Peace for the said County of *Devon*, the Justice or Justices before whom such Offender shall be carried is or are hereby authorized and required to hear and determine the Matter of Complaint against such Offender, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture which he or she may have incurred.

XIX. And

Recovery and Application of Penalties.

XIX. And be it further enacted, That all Penalties and 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 Justice or Justices of the Peace for the said County of *Devon*, be recovered in a summary Way by the Order and Adjudication of such Justice or Justices, or of some other Justice or Justices of the Peace for the said County of *Devon*, 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 Hand and Seal of such Justice or Justices; and the Overplus (if any) of the Money so in every Case raised or recovered, after discharging the Penalties or Forfeitures, 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 Overseers of the Poor for the Time being of the said Parish of *Stoke Damerel*, to be by them applied in aid of the Poor Rates of the same Parish; and in case any Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he or they is or are hereby authorized and required, to order any Offender so convicted to be detained and kept in Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice or Justices for his or her Appearance before such Justice or Justices, or before some other Justice or 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 Ten Days from the taking 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 Justice or 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 Justice or Justices shall not be required to issue such Warrant of Distress, but in such Case it shall be lawful for such Justice or Justices, and he or they is or are hereby required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the said County of *Devon*, 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 Justice or Justices, or until such Offender shall otherwise be discharged by due Course of Law.

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

XX. 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 Justice or Justices as a Compensation for any Destruction, Damage, or Injury shall not be paid on the Conviction of the Offender, the Justice or Justices who shall have so awarded or determined, or any other Justice or Justices for the said County of *Devon*, is or 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.

If Lease be made of the Market, Lessee to have same Powers as Sir John St. Aubyn, &c.

XXI. Provided always, and be it further enacted, That if the said Sir *John St. Aubyn*, 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 (but subject to such Exceptions or Restrictions (if any) as may be expressly contained in any such Lease) have and enjoy the respective Rents and Tolls authorized to be taken by this Act, as the said Sir *John St. Aubyn*, 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 had not been made, and shall also during the Term of his or her Lease have and enjoy all or any of the Powers and Privileges and Advantages demised by such Lease, and be subject to all the Obligations in respect of the said Market, which the said Sir *John St. Aubyn*, 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 had not been made: Provided nevertheless, that such Lessee or Lessees, his, her, or their Executors, Administrators, or Assigns, shall not, under or by virtue of any Authority contained in this Act, be authorized or empowered to increase or raise any Rent or Rents for the Time being payable for or in respect of any Shops, Rooms, Storehouses, and Warehouses, Stalls and Standings within the said Market, or any Vaults or Cellars under the same, without the Consent in Writing of the said Sir *John St. Aubyn*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, for that Purpose first had and obtained.

Form of Conviction.

XXII. And be it further enacted, That the Justice or 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,

' } BE it remembered, That on the Day of
'to wit. } in the Year of our Lord *A. B.* is
'convicted before me *C. D.*, one of His Majesty's Justices of the Peace
'for of [*specifying 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 Fifth Year of the Reign of King
'*William* the Fourth, intituled [*here set forth the Title of this Act*].
'Given under my Hand and Seal the Day and Year first above written.'

Distress not unlawful for Want of Form.

XXIII. And be it further enacted, That when 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 aggrieved may appeal to Quarter Sessions.

XXIV. And be it further enacted, That all Bodies and Persons who may think themselves aggrieved 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 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 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.

Authenticated Bye Laws to be Evidence.

XXV. 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 purporting to contain such Rule, Order, or Bye Law, and authenticated by having the Signature or Seal of the Owner or Owners for the Time being of the said Market affixed thereto, shall be Evidence of the Existence of such Rule, Order, or Bye Law; and Evidence of a written or printed Notice having been duly put up and exposed to the public View in the Office or Counting-house of the Clerk or the Lessee of the said Market, and also in some conspicuous Part of the said Market, purporting to contain 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 Paper contains a true Copy of the Rules, Orders, and Bye Laws purported to be contained therein, and also to prove that the same Notice 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.

Proceedings not to be quashed for Want of Form.

XXVI. And be it further enacted, That no Conviction, or any Order or Determination on any Appeal in pursuance of this Act, shall be quashed or vacated for Want of Form only, or 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.

XXVII. Pro-

Limitation of Actions.

XXVII. 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 or Suit 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 Action or Suit shall have been brought otherwise than is herein-before 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.

XXVIII. 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.

General Power to Justices to administer Oaths.

XXIX. 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 to receive the Affirmation of any Person before he or she shall be examined by or before such Justice.

This Act not to prejudice Sir John St. Aubyn's existing Rights.

XXX. Provided always, and be it further enacted, That nothing herein contained shall be taken to alter or abridge any Power or Authority, Right or Privilege of the said Sir *John St. Aubyn*, his Heirs or Assigns, and which

which he had, claimed, or enjoyed at or before the passing of this Act, for or in respect of the said Market so now held as aforesaid.

General Saving.

XXXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than the said Sir *John St. Aubyn*, his Heirs and Assigns,) all such Estates, Rights, Titles, Interests, Powers, Authorities, Claims, and Demands whatsoever as 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.

Saving Rights of Commissioners of the Town of Devonport. 54G.3. c.172.

XXXII. Provided always, and be it enacted and declared, That nothing in this Act contained shall alter, impeach, or abridge the Powers and Authorities given to the Commissioners for the Time being appointed for the carrying into effect an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal an Act passed in the Twenty-first Year of His present Majesty, for better maintaining and regulating the Poor within the Town of* Plymouth Dock *and Parish of* Stoke Damerel *in the County of* Devon, *and for other Purposes, and granting further Powers in lieu thereof; for lighting, watching, and otherwise improving the said Town and Parish, and regulating Porters and Watermen therein,* but that the same shall remain and continue as fully and effectually to all Intents and Purposes as if this Act had not been made.

Public Act.

XXXIII. 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.

The

The SCHEDULE to which the foregoing Act refers;

BEING

A SCHEDULE of the TOLLS payable in Devonport Market.

Tolls for weighing a Bullock - - - - - 4*d.*
a Cow - - - - - 4*d.*
a Calf - - - - - 3*d.*
a Pig, and cleaving the same - 5*d.*
a Sheep or Lamb - - - 1*d.*
a Hide - - - - 1*d.*
a Calf's Skin, Sheep's Skin, or Lamb's Skin - - - $0\frac{1}{2}d.$
all other Articles, 2*d.* per Cwt.

Tolls for a Cart and Waggon, not exceeding - - 1*s.*
Such Toll to be paid by the Owner of every Cart and Waggon frequenting or coming to the said Market, or bringing any Articles thereto, (other than Carts or Waggons bringing Goods belonging to Persons who either rent Stalls or Standings or pay Tolls imposed by this Act upon any Basket, Maund, Pannier, or Bag, or per Dozen.)

Tolls for a Basket or Maund, (other than such as are placed on rented Stalls or Standings,) not exceeding One Foot Six Inches in Length - $0\frac{1}{2}d.$
Ditto, not exceeding 3 Feet in Length - 1*d.*
Ditto, exceeding 3 Feet in Length - - $1\frac{1}{2}d.$
for a Pannier - - - - - $1\frac{1}{2}d.$
Such Toll to be paid each Time such Baskets, Maunds, or Panniers shall be filled.

Tolls for a Bag of Potatoes - - - - $0\frac{1}{2}d.$
all other Bags - - - - 1*d.*
Cabbages per Dozen - - - 1*d.*
Provided such Cabbages shall not be paid for by the Basket or Bag.

Tolls for Live Cattle:

A Horse - - -	- 4*d.*
A Bullock - -	- 2*d.*
A Cow - - -	- 2*d.*
A Cow and Calf - -	- 3*d.*
A Calf - - -	- 1*d.*
A Pig - - -	- 1*d.*

Sheep at the Rate of 1*s.* a Score.

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