ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. v.

An Act for regulating the Market in the Town of *Exmouth* in the County of *Devon*.

[11th *April* 1838.]

WHEREAS a Market for the Sale of Meat, Fish, Poultry, and other Provisions, Corn, Grain, and Seeds of all Sorts, and also of various Goods, Wares, and other Commodities, hath been long held and continues to be holden in the Streets and Thoroughfares of the Town or Place of *Exmouth* in the Parish of *Littleham* in the County of *Devon* on *Saturday* in every Week: And whereas the said Town or Place and the Neighbourhood thereof hath of late Years greatly increased in Population, and is much resorted to by Visitors, and by reason of the said Market being held as aforesaid the Persons frequenting the same are oftentimes greatly inconvenienced, and the Passage into and through the said Streets and Thoroughfares within the said Parish are sometimes incommoded and obstructed: And whereas the Right Honourable *John* Lord *Rolle* is or claims to be Lord of the Manor of *Littleham* and *Exmouth* (within which Manor a very large Proportion of the Town or Place of or called *Exmouth* lies), and as such Lord claims to be entitled to and has heretofore received certain Tolls and Dues in respect of the said Market so held as aforesaid, and has erected at his own Expence a commodious

Market House in the said Town or Place: And whereas it would be of great Advantage to the Inhabitants of the said Town or Place within the Parish aforesaid, and the Neighbourhood thereof, and to the Frequenters of the said Market, if the said Market Place were put upon a permanent Footing, with proper Regulations and Rules for conducting and managing the same, which cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the said *John* Lord *Rolle*, his Heirs and Assigns, from Time to Time to enlarge the said Market House so built by the said *John* Lord *Rolle* as aforesaid, and to make such Alterations in the Division, Arrangement, and Appropriation of the same, and generally from Time to Time to do and perform all such other Acts, Deeds, Matters, and Things as to the said *John* Lord *Rolle*, his Heirs or Assigns, shall appear to be necessary, proper, or advisable for the Enlargement, Preservation, Support, and Continuance of the said Market House; and the said Market shall from henceforth be a Market for the Sale of Meat, Fish, Poultry, and other Provisions, Corn, Grain, and Seeds of all Sorts, Goods, Wares, and other Commodities, and all such other Articles and Things, being marketable Produce, or such Things as are usually sold in public Markets, as the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner 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 and appoint.

Power to enlarge or alter the present Market House.

Notice to be given previous to the Removal of the Market now held.

II. And be it further enacted, That previous to the Removal of the Market now held in the Streets of the said Town or Place of *Exmouth* the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, shall give Twenty-one clear Days Notice thereof, by affixing the same on the Church Doors of the Parish Church of *Littleham* aforesaid, and on the Doors of the Church situate in *Exmouth* aforesaid, and by Advertisement in some Newspaper circulated in the said County of *Devon*.

Power to hold a Market in the new Market Place.

III. And be it further enacted, That from Time to Time, and at all Times after the Expiration of the said Period of Twenty-one clear Days, it shall be lawful for the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, to hold and keep an open and public Market in the said Market House, for the Sale of Meat, Fish, Poultry, and other Provisions, Corn, Grain, and Seeds of all Sorts, Goods, Wares, and other Commodities, and all other Articles and Things, being marketable Produce, or such Things as are usually sold in public Markets.

Market in the Streets to be discontinued when new Market is opened.

IV. And be it further enacted, That from and after the Expiration of the said Period of Twenty-one clear Days, if any Person shall thereafter sell or expose to Sale in the open Streets or the Foot Pavements of the said Town or Place, or in any Lane, Court, Shed, or covered Way adjoining to the public Thoroughfares, so as in any way to obstruct

obstruct or impede the said Thoroughfares, any Meat, Fish, Poultry, or other Provisions, Corn, Grain, and Seeds, or any Goods, Wares, and other Commodities, or any other Articles and Things as are usually sold in open Market, every Person shall for every such Offence, on Conviction before Two or more Justices of the Peace for the said County of *Devon*, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after mentioned: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any marketable Commodity, Goods, Wares, or Merchandize whatsoever in his own private Dwelling House or in his own Shop or Premises.

No Goods to be sold by Auction in the Streets.

V. Provided always, and be it further enacted, That no Person shall sell or cause to be sold by Auction any Goods, Articles, or Things whatsoever in the public Streets of the said Town or Place; and if any Person shall sell or cause to be sold by Auction any Goods, Articles, or Things in the public Streets of the said Town or Place, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every Day on which he shall so offend.

Power to take Tolls.

VI. And be it further enacted, That it shall be lawful for the said *John* Lord *Rolle*, by himself, his Heirs, Assigns, or Lessees, or the Owner for the Time being of the said Market, and for the Collectors, Officers, or Servants belonging to the said Market, to ask, demand, recover, receive, and take, of and from every Person exposing or offering for Sale or selling any Meat, Fish, Poultry, or other Provisions, Corn, Grain, and Seeds of all Sorts, Goods, Wares, and Commodities, or other marketable or agricultural Produce, in the Market aforesaid, or who shall rent, hire, or use any Stall or Standing Place in the said Market, the several Tolls, Duties, Stallage, Rents, or Sum or Sums of Money which shall from Time to Time be fixed and appointed by him or them to be paid for the same, not exceeding the several Tolls, Duties, Stallage, Rents, or Sums of Money mentioned and specified in the Schedule to this Act annexed.

List of Tolls &c. to be affixed in conspicuous Places.

VII. Provided always, and be it further enacted, That the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, shall, from and after the opening of the same as aforesaid, and from Time to Time, cause to be painted on a Board, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, in a conspicuous Place or conspicuous Places in the said Market, in large and legible Characters, an Account or List of the several Tolls, Duties, Stallage, Rents, and Sums of Money which he or they shall from Time to Time direct and appoint to be taken therein: Provided always, that it shall not be lawful for the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, (except in the Case of a malicious Removal or Defacing of such Board,) to demand or take, or cause to be demanded or taken, any of such Tolls, Duties, Stallage, and Sums of Money, for or in respect of such Market, but for and during such Time as such Account or List shall remain affixed and stuck up as aforesaid.

VIII. And

Recovery of Tolls by Distress, in case of Nonpayment.

VIII. And be it further enacted, That in case any Person renting, holding, or using, or in any Manner occupying, any of the Buildings, Stalls, Standings, Shambles, or other Conveniences in the said Market Place, or who shall bring or place or expose or offer for Sale in the said Market any Meat, Fish, Poultry, or other Provisions, Corn, Grain, or Seeds, Goods, Wares, or Commodities, or any other marketable or agricultural Produce whatsoever, for or in respect of which any Tolls, Duties, Stallage, Rents, or Sums of Money may be demanded or taken, shall, upon Demand thereof made by the Collector, Farmer, Lessee, or other Person authorized to receive the said Tolls, Duties, Stallage, Rents, or Sums of Money, neglect or refuse to pay the said Tolls, Duties, Stallage, Rents, or Sums of Money due in respect thereof by virtue of this Act, it shall be lawful for the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, or the Collector or the Person to be appointed by him or them to receive the said Tolls, Duties, Stallage, Rents, or Sums of Money, to levy the same by Distress and Sale of all or any of the Goods, Articles, or Things so exposed to Sale, or other the Goods and Chattels of such Person so neglecting or refusing to pay as aforesaid, and the said Distress so to be taken to sell forthwith, returning or paying to the Person on whose Stand 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 be settled and determined by any Two or more of Her Majesty's Justices of the Peace for the said County of *Devon*, who are hereby empowered and required, on Application being made to them, 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 the Goods and Chattels of the Party 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 of such Goods and Chattels, after deducting the reasonable Charges of such last-mentioned Distress and Sale.

Times when Rents and Tolls shall be payable.

IX. And be it further enacted, That the Rents, Tolls, and Stallage for any Shop, Stall, or other Building within the said Market which shall be let by the Year or any longer or shorter Period may, at the Discretion of the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, be payable in advance; and the Tolls, Duties, Stallage, or Sums of Money for selling or exposing for Sale, or for weighing or measuring, shall be payable on the same being demanded by the Officer or Collector appointed for that Purpose.

Power to lease Tolls, &c.

X. And be it further enacted, That it shall be lawful for the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being

being of the said Market, at any Time, and from Time to Time, to demise and let the said Market Place, and the Tolls, Duties, Stallage, Rents, and Sums of Money to be collected or to arise from or in respect of the said Market by virtue of this Act, to any Person who shall be willing to take and farm the same, in such Manner and upon such Terms and Conditions as shall be agreed upon and settled by the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, and the Persons respectively to whom the same shall be let.

Power to let Stalls, &c.

XI. And be it further enacted, That it shall be lawful for the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, to let all or any of the Stalls, Shops, Shambles, or other Conveniences in the said Market, for the Year or any longer or shorter Period, to such Persons as shall be desirous of taking the same, provided that the Rents of the same, either collectively or separately, do not exceed the Sums specified in the Schedule to this Act annexed.

Power to erect and appoint a public Weighing House

XII. And be it further enacted, That it shall be lawful for the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, to erect and appoint a public Weighing House or Place in or near the said Market for the weighing and measuring such Meat, Provisions, or other Articles as shall be bought or sold by Weight or Measure in the said Market, and to have and keep proper and sufficient Weights, Scales, and Measures (according to the respective Standard Weights and Measures in the Exchequer at *Westminster*) at the said Weighing House or Place, and appoint some proper Person to attend the same at all Times during the holding of any Market at which any Provisions or Articles usually bought or sold by Weight or Measure shall be exposed for Sale; and every Person selling Meat or other Provisions or Things by Weight or Measure in the said Market shall weigh and measure the same in or by the said Weights, Measures, or Scales as aforesaid, if required so to do by the Buyer thereof; and in order to defray the Expences of providing the said Weights, Scales, and Measures, and a proper Person to attend the same as aforesaid, there shall be paid by the Buyer of such Meat, Provisions, or other Articles to the Person who shall weigh the same as aforesaid the several Tolls not exceeding the Sums of Money mentioned and specified in the Schedule to this Act annexed in respect to the said Weighing House; and in case such Buyer shall refuse or neglect to pay the said Toll the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Buyer, in like Manner as is herein directed concerning the Recovery of Rents, Tolls, and Duties to be paid in respect of the said Market.

Penalty on Sellers refusing to weigh, &c.

XIII. And be it further enacted, That if any Seller of any Meat, Fish, or other Provisions in the said Market shall refuse or neglect to weigh or measure any Meat, Fish, or other Provisions by and with the public Scales, Weights, and Measures as aforesaid, upon being required so to do by the Buyer thereof, the Person so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect any Sum not exceeding Ten Shillings; which said Penalty shall and may be

be recovered by Distress and Sale of such Fish, Meat, and other Provisions.

Power to make Bye Laws, &c.

XIV. And be it further enacted, That it shall be lawful for the said *John* Lord *Rolle*, his Heirs and Assigns, or the Owner for the Time being of the said Market, and they are hereby respectively authorized and empowered, from Time to Time, to make, provide, constitute, and ordain such Rules, Orders, and Bye Laws as they shall think fit and necessary for the better Regulation and Government of the said Market, and for the lighting, cleansing, occupying, and using of the said Market Place so erected and formed, or hereafter to be erected or formed, or any Part thereof, and also for regulating, ordering, and governing the Officers appointed by him or them, and for appointing, adjusting, and regulating all Weights and Measures according to the legal Standard, and for preventing the Use of false or defective Weights and Measures, and also for preventing unwholesome Provisions being sold or offered or exposed to Sale therein, and for preventing Horses and Carriages going through such existing Market Place, or remaining there, or any other Nuisance or Obstruction therein, or to or in the Approaches to the same; and the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, may from Time to Time, as they shall respectively think fit, repeal, alter, add to, or amend any such Rules, Orders, and Bye Laws, or any of them, and shall ascertain and therein set down what pecuniary and other Penalties and Forfeitures shall be incurred by Persons breaking or evading such Rules, Orders, and Bye Laws, or any of them: Provided always, that no such pecuniary Penalty shall exceed the Sum of Five Pounds for any One Offence, and that such Rules, Orders, and Bye Laws shall be approved of by some Judge of Assize, or by the Justices of the Peace at any General or Quarter Sessions assembled, and shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to the Provisions of this Act; and all Persons so as aforesaid coming and resorting to the said Market are hereby required to observe and keep such Rules, Orders, and Bye Laws under such Penalties and Forfeitures respectively as shall be ascertained and set down as aforesaid.

Bye Laws to be affixed in some conspicuous Part of the Market.

XV. And be it further enacted, That all such Rules, Orders, and Bye Laws as shall from Time to Time be made for the regulating, ordering, and governing of the said Market shall be painted on a Board in legible Characters, and shall be put up or affixed 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 said Rules, Orders, and Bye Laws for the regulating, ordering, or governing of the said Market, and that no Penalty or Forfeiture shall be recoverable under the said Rules, Orders, or Bye Laws, except during such Time as the same shall remain up or affixed as aforesaid.

Officers may be appointed.

XVI. And be it further enacted, That it shall be lawful for the said *John* Lord *Rolle*, his Heirs and Assigns, or the Owner 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 *John* Lord *Rolle*, his Heirs and Assigns, or the Owner 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, when and as he or they shall think proper.

Penalty on obstructing Officers, &c.

XVII. 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 *John* Lord *Rolle*, his Heirs or Assigns, or the Owner for the Time being of the said Market, to superintend or regulate the same, 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, to be recovered and applied as herein-after mentioned,

Penalty for committing Nuisances and doing Damage in the Market.

XVIII. And be it further enacted, That if any Person shall commit any Nuisance whatsoever within the said Market, or shall wilfully 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 the Offence shall be any Destruction, Damage, or Injury of or to any Erection, Building, Material, Article, or Thing belonging or attached to the said Market, in addition to such Penalty, pay to the said *John* Lord *Rolle*, his Heirs or Assigns, or the Owner 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 any Two or more of Her Majesty's Justices of the Peace 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.

XIX. And be it further enacted, That if any Person 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 Human Food, it shall be lawful for any Clerk, Collector, or other Person appointed under the Authority of this Act, and such Person as he shall call to his Assistance, 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 transient Offenders.

XX. And be it further enacted, That it shall be lawful for the said *John* Lord *Rolle*, his Heirs or Assigns, or his Collectors or other Officers respectively, and such Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person (being unknown to such Collectors or other Officers, and not being an Inhabitant of the said Parish of *Littleham*,)

Littleham,) who shall commit any Offence against this Act or any of the Provisions thereof, or against any Rule, Order, or Bye Law to be made in pursuance thereof, and to take such Offender before any Justice of the Peace for the said County of *Devon*; and such Justice is hereby required forthwith to proceed and act with respect to such Offender according to the Provisions of this Act.

Justices may proceed by Summons in the Recovery of Penalties.

XXI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before any Two or more Justices of the Peace it shall be lawful for any Justice of the Peace for the said County of *Devon* to whom Complaint shall be made of any Offence against this Act to summon the Party complained against; and on such Summons it shall be lawful for any Two or more Justices to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before any such Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

Recovery and Application of Penalties.

XXII. 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 Justices of the Peace for the said County of *Devon*, be recovered in a summary Way by the Order and Adjudication of such Justices, 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; 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 *Littleham*, 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 Justices and they 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 Justices for his 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 Ten Days from the taking of such Security), and which Security any such Justices 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

that he 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 *Devon*, there to remain for any Time not exceeding Two 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 otherwise be discharged by due Course of Law.

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

XXIII. 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 to be paid as a Compensation for any Destruction, Damage, or Injury shall not be paid on the Conviction of the Offender, the Justices who shall have so awarded or determined, or any other Justices for the said County of *Devon*, are hereby authorized and required to cause such Sum to be levied and paid by Distress and Sale of the Offenders Goods and Chattels, in the same Manner as is by this Act directed in regard to the levying and Payment of Penalties and Forfeitures.

Form of Conviction.

XXIV. 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,)

'
' to wit. } BE it remembered, That on the Day of
' in the Year of our Lord
' is convicted before us, *C. D.* and *E. F.*, Two of Her 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 Year of the Reign of Queen *Victoria*,
' 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.

XXV. 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 may recover full Satisfaction for the special Damage only in an Action on the Case.

Persons aggrieved may appeal to Quarter Sessions.

XXVI. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Rule, Order, or Bye Law, or by any Determination or Judgment made or given in pursuance thereof or of this Act, or by any other Matter or Thing to be made, given,

given, or done by virtue or in pursuance of this Act, such Person may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the said County of *Devon* within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant having given or caused to be given Ten Days Notice at least in Writing of his Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk, Collector, or other Officer for the Time being acting in pursuance of this Act; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, and may mitigate any Fine or Penalty or Forfeiture, and may order such Money to be returned which shall have been paid or levied in pursuance of any such Rule, Order, Bye Law, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their said General or Quarter Sessions shall be final, binding, and conclusive.

Authenticated Bye Laws to be Evidence.

XXVII. 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 it shall be sufficient to prove that a painted Board containing a Copy of such Rules, Orders, and Bye Laws hath been affixed in manner aforesaid, and in case of its being afterwards displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, 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.

XXVIII. 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 Her 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.

Plaintiff not to recover after Tender of Amends.

XXIX. Provided also, 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 such 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 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.

XXX. And

Justices to administer Oaths.

XXX. And be it further enacted, That in all Cases where any Justice or Justices of the Peace is or are 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 or Justices, and he or they is and are hereby required, to administer an Oath to or to receive the Affirmation of any Person before he shall be examined by or before such Justice or Justices.

Act not to extend to that Part of Exmouth in Withycombe Rawleigh.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed, taken, or construed to extend to that Part of the said Town or Place called *Exmouth* which lies or is situate within the Parish of *Withycombe Rawleigh* in the said County of *Devon*.

Saving of Rights of Lord Rolle.

XXXII. 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 *John* Lord *Rolle*, his Heirs or Assigns, and 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.

Meaning of certain Words in this Act.

XXXIII. And be it further enacted, That where in this Act any Word is used importing the Singular Number or the Masculine Gender only, such Word shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where any Word is used importing the Plural Number, such Word shall be understood to include one Matter as well as several Matters, and one Person as well as several Persons; and the Word "Corporation," where used, shall extend to and include all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

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

The SCHEDULE referred to by the foregoing Act.

Table of Tolls, Rents, and Stallage.

	s.	*d.*
For every Butcher's Stall, per Day - - - - -	1	0
For every Stall, Sitting, or Place for the Sale of Fruit or Vegetables, per Day - - - - - - -	0	9
For every Fish Stall, Sitting, or Place - - - -	0	6

For

	s.	*d.*
For every Stall, Sitting, or Place for Sale of Poultry, Butter, Eggs, Cheese, Bacon, or any other Article of Provision usually sold in Poultry Markets (except Vegetables and Fruit), for every Day - - - - - - - -	0	6
For every Stall, Standing, or Place for the Sale of manufactured Goods, Wares, or Merchandize, per Day - -	1	0
For every Bag of Potatoes, Carrots, Turnips, or other Vegetables, Apples, Pears, Plums, or other Fruit - - -	0	2
For every Basket or Hamper of Potatoes, Carrots, Turnips, or other Vegetables, Apples, Pears, Plums, or other Fruit -	0	1
For Two Panniers - - - - - - - -	0	3
For every Handbasket carried by a Person containing Fish, Poultry, Butter, Eggs, Vegetables, Fruit, or any other Article of Provision - - - - - - -	0	2
For every Stall or Standing for the Sale of Shoes - -	0	9
For every Cart with a Load for Sale - - - -	0	6
For every Donkey Cart, with ditto - - - -	0	3
For every Bushel of Wheat, Peas, Beans, or Malt - -	0	2
For every Bushel of Barley or Oats - - - -	0	1
For every One hundred and twelve Pounds Weight of Flour, Clover, Trefoil, Turnip, or other Seeds, and so in proportion for a greater or less Quantity - - - -	0	6

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

Weighing and Measuring.

	s.	*d.*
For every Quantity of Meat, Article, or Thing weighing not exceeding One Hundred Weight - - - - -	0	0½
Above One Hundred Weight and not exceeding Two Hundred Weight - - - - - - - -	0	1
And so in proportion for any greater Quantity than Two Hundred Weight.		
For every Quantity of Goods, Articles, or Things sold by Measure, per Bushel or any less Quantity - - -	0	0½

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