ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

Cap. xxii.

An Act for erecting a Market House and for regulating the Market within the Borough and Town of *Great Torrington* in the County of *Devon*.

[13th *May* 1842.]

WHEREAS the Mayor, Aldermen, and Burgesses of the Borough and Town of *Great Torrington* in the County of *Devon*, by Charter, Prescription, or Usage, have heretofore held a Market within the said Town on *Saturdays*, and are entitled to the Stallage, Pickage, Fines, Amerciaments, Tolls, and all Profits, Commodities, and Emoluments whatsoever arising from such Market: And whereas the said Market has been and is now held in the open public Streets of the said Borough and Town, commonly called *South Street*, *High Street*, and *Corn Market Street* otherwise *Fore Street*, for the Sale of Butcher's Meat, Poultry, Fish, Seeds, Fruit, Garden, Vegetable, and Farm Produce, live and dead Pigs, Calves, Goods, Wares, and Merchandize, and such other Articles and Commodities as are usually sold in public Markets, which Places have been found very unsuitable, inconvenient, and dangerous

dangerous to the Inhabitants of the said Borough and Town, and to the Public at large: And whereas by virtue of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, it was enacted that the Body Corporate of the said Borough and Town should take and bear the Name of the Mayor, Aldermen, and Burgesses of the Borough and Town of *Great Torrington* in the County of *Devon*, and by that Name should have perpetual Succession, and should be capable in Law, by the Council of the said Borough and Town, to do and suffer all Acts which before and at the Time of the passing of the said Act the said Body Corporate might do and suffer by any Name or Title of Incorporation: And whereas the Council of the said Borough and Town are desirous of erecting and building a Market House, with all necessary and suitable Buildings, and of removing the said Market to the said Market House, and of establishing proper Rules and Regulations for the good Government and Management of the said Market, and of varying and altering the existing Tolls and Dues; but the same 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 it shall be lawful for the Mayor, Aldermen, and Burgesses of the said Borough and Town of *Great Torrington*, and their Successors, by their Council, to put this Act and the several Powers and Provisions herein contained into execution.

5 & 6 W. 4. c. 76.

Mayor, &c. of Great Torrington to carry this Act into execution.

Mayor and other Councillors, being Justices, may act as such.

II. And be it enacted, That it shall be lawful for the Mayor of the said Borough and Town for the Time being, and for any Justice of the Peace having Jurisdiction within the said Borough and Town, whether he be a Member of the Council of the said Borough and Town or not, to act as a Justice of the Peace in any Manner relating to the Execution of this Act, in all Matters wherein he shall not be individually interested.

First Meeting of the Council for the Purposes of this Act.

III. And be it enacted, That within Twenty-eight Days next after the passing of this Act the Mayor for the Time being shall call a Meeting of the Council in the Manner prescribed by the said recited Act for the Regulation of Municipal Corporations, for the Purpose of carrying this Act into execution.

Certain Provisions of 5 & 6 W. 4. c. 76. applied to this Act.

IV. And be it enacted, That at the First Meeting of the Council to be held as aforesaid, and at every subsequent Meeting of the Council, held in pursuance of the said Act for the Regulation of Municipal Corporations, it shall be lawful for the Council to transact any Business required or authorized by this Act, in the same Manner and subject to the same Provisions and Regulations as if the said Meeting had been authorized or required by the said Act for the Regulation of Municipal Corporations.

V. And

How Notices of Meetings are to be given.

V. And be it enacted, That Notice of any Meeting of the Council to be held under the Authority of this Act shall, if not herein otherwise provided for, be given in the same Manner and with the same Interval of Time as in the Case of Meetings held under the Authority of the said recited Act for the Regulation of Municipal Corporations, and Notice of any Meetings of Creditors to be holden under the Authority of this Act (if not herein otherwise provided for) shall be posted at the Time stated in the said Act on the Door or in front of the Town Hall within the said Borough and Town.

Orders and Proceedings to be entered in Books, and to be Evidence.

VI. And be it enacted, That the Town Clerk shall keep or cause to be kept proper Books in which shall be entered the Orders and Proceedings at the several Meetings of the Council wherein any Business shall be transacted relating to the Execution of this Act; and the Chairman of every such Meeting shall sign the Entries and Minutes relating to the same, and all such Entries and Minutes, being so signed, shall, without further Proof, be admitted in Evidence in all Courts and upon all Occasions; and at any Meeting of the Council the Books aforesaid shall be open to the Inspection of any Member of the Council; and any Person, being a Member of the Council, a Burgess of the said Borough and Town, or a Creditor on the Tolls, Rents, or Stallages, shall at all reasonable Times (except during the Transaction of Business by the Council) be permitted to inspect the same *gratis*, and to have true Copies of any of the Entries or Minutes in such Books made by the Town Clerk, upon paying for the same Copies after the Rate of Sixpence for every One hundred Words.

For what Contracts may be made.

VII. And be it enacted, That it shall be lawful for the Council to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Council, and for furnishing any Materials for the same, or which may be required by the Council; and every such Contract shall be under the Corporate Seal, and shall specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Town Clerk for that Purpose.

Materials, &c. for Work contracted for to be considered the Property of the Council.

VIII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under any such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in execution of such Contracts, shall, for the Purpose of protecting the same from Injury, by Indictment as herein-after mentioned, be held to be the Property of the said Mayor, Aldermen, and Burgesses.

Indictments how to be preferred.

IX. And be it enacted, That it shall be lawful for the Council to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, pull down, deface, or injure, any Property, Article, or Thing belonging to the said Mayor, Aldermen, and Burgesses, and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Mayor, Aldermen, and Burgesses of the Borough and Town of *Great Torrington* in the County of *Devon*.

X. And

Actions and Suits to be brought in the Name of Corporation.

X. And be it enacted, That all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act shall be brought by or against the Mayor, Aldermen, and Burgesses of the Borough and Town of *Great Torrington* in the County of *Devon*.

Deeds, &c. to be under Corporate Seal.

XI. And be it enacted, That all Deeds, Conveyances, Leases, and Contracts entered into by the Council under the Authority of this Act, or for any Purpose herein authorized, shall have the Corporate Seal of the said Borough and Town affixed thereto.

Town Clerk, Treasurer, and Auditors of the Borough to be Clerk, Treasurer, and Auditors under this Act.

XII. And be it enacted, That the Town Clerk, Treasurer, and Auditors for the Time being of the said Borough and Town shall and they are hereby authorized to do and execute all the several Duties imposed upon them by virtue of this Act, in the same Manner, with the same Powers, and under the same Penalties, as if the said Duties had been imposed upon them by the said recited Act for the Regulation of Municipal Corporations; and all the said Duties severally imposed upon them shall for all Intents and Purposes be deemed to be imposed upon them by virtue of the said last-mentioned Act.

Council to appoint Collector, Surveyor, and other Officers.

XIII. And be it enacted, That the Council may from Time to Time appoint a Collector or Collectors of the Tolls, Rents, and Stallages herein-after mentioned, and also a Surveyor or Surveyors, and such Committee or other Officers as they shall think fit, with such Salaries and Allowances as they may think reasonable, and may remove such Collectors, Surveyors, or other Officers, and appoint other Persons in their Stead.

Books of Accounts to be kept, and to be open to Inspection.

XIV. And be it enacted, That a Book shall be kept by the Treasurer, in which he shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such said Sums of Money shall have been received or expended; and such Books shall at all seasonable Times be open to the Inspection of any Member of the Council, or any Burgess of the said Borough and Town, or any Creditor on the Tolls, Rents, or Stallages by this Act authorized to be levied or collected, without any Fee or Reward being demanded for such Inspection; and it shall be lawful for such Member of the Council, Burgess, or Creditor, at seasonable Times, to take Copies of or Extracts from the said Book, upon paying for such Copies or Extracts after the Rate of Sixpence for every One hundred Words.

Annual Accounts to be prepared, and a Copy transmitted to the Town Clerk.

XV. And be it enacted, That the Council shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds raised and levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Treasurer of the said Borough and Town, and shall transmit a Copy of the said Account, free of Charge, to the Town Clerk of the said Borough and Town, on or before the Thirty-first Day of *January* then next,

which Account shall be open to the Inspection of the Public, at all seasonable Hours, on the Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Council shall omit to prepare and transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds; and the Town Clerk shall send a printed Copy of such Account every Year, when audited, to every Creditor, the Expence of which shall be charged to and paid out of the Funds of the said Market.

Accounts to be audited.

XVI. And be it enacted, That the Accounts herein-before mentioned shall be audited by the Auditors of the said Borough and Town, in the same Manner as the other Accounts of the said Treasurer are directed to be audited by the said Acts for the Regulation of Municipal Corporations.

Power to borrow Money on Mortgage.

XVII. And be it enacted, That it shall be lawful for the said Council, from Time to Time, to borrow at Interest, on the Credit of the Tolls, Rents, and Stallages by this Act granted, vested in and belonging to the said Mayor, Aldermen, and Burgesses, any Sum of Money not exceeding the Sum of Three thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Council to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the said Sum of Three thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Council may assign over the said Tolls, Rents, and Stallages, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Council not to sell or mortgage Estates without Consent of Lords of the Treasury.

XVIII. And be it enacted, That nothing in this Act contained shall extend to enable the Mayor, Aldermen, and Burgesses to take, appropriate, use, sell, demise, mortgage, or alienate for the Purposes of this Act, without the Approbation of the Lords Commissioners of Her Majesty's Treasury, or any Three of them, any Lands, Tenements, or Hereditaments which they could not have taken, appropriated, used, sold, demised, mortgaged, or alienated without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

Form of Mortgage.

XIX. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be duly stated, and every such Deed shall be under the Corporate Seal, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Expences of Mortgages.

XX. And be it enacted, That the Expences of every Assignment or Mortgage shall from Time to Time be defrayed by the Council out of the Money raised by the same.

Register of Mortgages to be kept,

XXI. And be it enacted, That a Register of all Mortgages or Assignments shall be kept by the Town Clerk, and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or

and to be open to Inspection.

or Memorial of the Number and Date thereof, and of the Name of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages.

XXII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

XXIII. And be it enacted, That within One Calendar Month after the Date of every such Transfer it shall be produced to the Town Clerk, and thereupon such Town Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment; and for such Entry the Town Clerk may demand a Sum not exceeding Two Shillings and Sixpence; and after such Entry every such Transfer shall entitle the Transferree, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment, in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

Interest of Mortgages to be paid yearly.

XXIV. And be it enacted, That, unless otherwise provided for by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid yearly to the several Parties entitled thereto.

Power to take up Money at a less Rate of Interest.

XXV. And be it enacted, That if the said Council can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Tolls, Rents, and Stallages payable under this Act, or any Part thereof, with Payment of such Sum, and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Sinking Fund.

XXVI. And be it enacted, That in case any Sum of Money shall be borrowed or taken up at Interest, and be due and owing upon the Credit of the said Rents, Tolls, or Stallages, the said Council may from Time to Time apply, out of the Rents, Tolls, and Stallages, a Sum not exceeding Ten Pounds *per Centum per Annum* on every such Sum, towards the Formation of a Sinking Fund for the gradual Payment of the Principal Sum so borrowed and due and owing; and as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, then and in such Case that Sum shall be applied in the Payment of an equal Amount of the said Principal Money then

then due and owing on the Credit or Security of the said Rents, Tolls, and Stallages.

Mode of paying off Mortgages.

XXVII. And in order that no undue Preference may be given in paying off any Mortgages or Assignments to be created or made under this Act, be it enacted, That when and as often as the Council shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Town Clerk shall, at a Meeting of the Council, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Council; and after every such Ballot the Council shall cause a Notice, signed by the Town Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice, but such Principal Money and the Interest thereof to the End of the said Six Months shall nevertheless be payable on Demand.

Application of Monies.

XXVIII. And be it enacted, That all Monies, Rents, Tolls, and Stallages to be raised by virtue of this Act shall be applied, first, in paying the Costs, Charges, and Expences of obtaining and passing this Act or incident thereto; secondly, in Payment of the Purchase Money for and Conveyances of any Messuages, Lands, or Buildings, and in erecting on the Site thereof a new Market House, and all necessary and suitable Buildings, Stalls, and Conveniences, and in completing, fitting up, enlarging, improving, and repairing the same from Time to Time, or towards any other necessary Expenditure relating to the Market House and Buildings, and in regulating the Markets; thirdly, in paying to the said Council the yearly Sum of Thirty Pounds, the annual Average Amount of the former Market Tolls; fourthly, in paying Interest on all Sums of Money borrowed, from the Time of advancing the same under or by virtue of this Act, on the Credit of the said Tolls, Rents, and Stallage; next, in paying off the Principal of all Monies so borrowed in manner by this Act mentioned, or in providing a Sinking Fund as herein-before mentioned; and for no other Uses or Purposes whatsoever.

Council may make Bye Laws to govern themselves and their Servants.

XXIX. And be it enacted, That it shall be lawful for the Council from Time to Time to make such Bye Laws for regulating the carrying on of their Business, touching any Matter to be done in pursuance of this Act, and the Business of their Committees, and for the Government

Government of their Officers, Servants, or other Persons in the Employ of the said Council, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England* or to the Provisions of this Act, and so as the same be reduced into Writing and sealed with the Corporate Seal.

Fines for Breach of such Bye Laws.

XXX. And be it enacted, That it shall be lawful for the said Council, by such Bye Laws, to impose such reasonable Forfeitures and Fines upon their Officers and Servants or other Persons in their Employ offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence; provided always, that such Bye Laws shall be so framed as to allow the Justice or Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Mode of serving Notices, Summonses, &c. on Council.

XXXI. And be it enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Council, touching any thing in connexion with this Act, Service thereof respectively upon the Town Clerk of the said Council personally, or by leaving the same at the Office of such Town Clerk, or at his last or usual Place of Abode, or in case the same respecttively shall not be found or known, then similar Service upon any Member of such Council, or upon any Agent or Officer by them employed, shall be deemed good and sufficient Service of the same respectively on the said Council for all the Purposes of this Act.

Tender of Amends.

XXXII. And with respect to Actions brought in respect of any Proceedings under the Provisions of this Act, be it enacted, That if before an Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Power to purchase Lands and build a Market House.

XXXIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Council to agree with the Owners of any Lands within the said Borough and Town for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-Charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands of what Kind soever, and to pay the Purchase or Consideration Money out of the Monies to be raised by

virtue of this Act, and on the Site or Ground of such purchased Property to make, erect, and build a proper Market House, with all necessary and convenient Buildings, Stalls, Standings, Benches, and other Conveniences, with suitable Approaches thereto, and to do and perform all such other Acts, Matters, or Things as may be necessary for maintaining, repairing, altering, and improving such Market House, Buildings, Conveniences, and Approaches, and for putting into execution the Provisions of this Act.

Parties under Disability enabled to sell and convey.

XXXIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose, convey or release, the same to the Mayor, Aldermen, and Burgesses, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Devisees, or Executors in Trust, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Devisees or Executors in Trust, Executors and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had been respectively under no Disability.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XXXV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Council, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of Lands on Chief Rents.

XXXVI. And be it enacted, That if any Person seised in Fee of or entitled to dispose of absolutely any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Lands for a perpetual annual Rent-charge in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands, or any Part thereof, unto the said Mayor, Aldermen, and Burgesses, in consideration of an annual Rent-charge payable by the Mayor, Aldermen, and Burgesses to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of Rent to be charged on Tolls.

XXXVII. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Tolls or Rates payable under this Act, and shall be paid by the Mayor, Aldermen, and Burgesses as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Mayor, Aldermen, and Burgesses, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels vested in the Mayor, Aldermen, and Burgesses by virtue of this Act, or of the Goods and Chattels of their Treasurer.

Forms of Conveyance.

XXXVIII. And be it enacted, That all Conveyances of any Lands so to be purchased as aforesaid may be according to the Form in the Schedule (C.) and (D) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Mayor, Aldermen, and Burgesses for the Purposes of this Act, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law, or on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the said Mayor, Aldermen, and Burgesses, to attend the Reversion and Inheritance.

Purchase Money payable to Parties under Disability, amounting to 200*l.*, to be deposited in Bank of England.

XXXIX. And for the Purposes of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to the Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of the same, shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the

Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Council of the Borough and Town of *Great Torrington* in the County of *Devon*," pursuant to the Method prescribed by an Act of the Twelfth Year of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery; and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

XL. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

XLI. And

Sums from 20*l.* to 200*l.* to be deposited or invested in Trustees.

XLI. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Council approve thereof, and of the Trustees named for that Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

XLII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit, or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c. or Reversions, as they may think just.

XLIII. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession deemed to be the Owner.

XLIV. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid, the Parties so in possession, and all Parties claiming under them, or consistently

sistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

XLV. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Council; (that is to say,) the Costs of the Purchase or of using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also of the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Land Tax to be made good.

XLVI. And for the Purpose of providing against Deficiency in the Assessment for Land Tax, occasioned by the making of the said Market Place, in the Parish wherein the same or any Part thereof may be situate, be it enacted, That if the said Council become possessed by virtue of this Act of any Lands charged with the Land Tax, the said Council shall from Time to Time, until the Market shall be completed and assessed to such Land Tax, be liable to make good the Deficiency in the Assessment for Land Tax arising within such Parish, by reason of such Lands having been taken for the Purposes of the Market; and such Deficiency shall be computed according to the Rental at which such Lands, with any Buildings thereon, were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the said Borough shall pay all such Deficiencies to the Collector of the said Assessment; nevertheless, if at any Time the Council think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Limits of the Act.

XLVII. And be it enacted, That this Act shall be put in force, and all the Powers, Provisions, and Regulations herein contained shall extend to all Places within the said Borough and Town the Boundaries of which, for the Purposes of this Act, shall extend to and include all Places within One Half Mile, measured in a straight Line from the Town Hall of the said Borough.

Power to hold Markets.

XLVIII. And be it enacted, That it shall be lawful for the Council, when the new Market House and Buildings shall be completed, to remove to the said new Market House, Buildings, and Places all the said several Markets now held in any Part of *South*

Street, *High Street*, or *Corn Market Street* otherwise *Fore Street*, within the said Borough and Town, (the Corn Market only excepted,) for the Sale of Butcher's Meat, Poultry, Fish, Butter, Seeds, Fruit, Vegetable and Farm Produce, live and dead Pigs, Calves, Goods, Wares, and Merchandize, and all other marketable Commodities, Articles, and Things mentioned in the last Schedule to this Act annexed, or as are usually sold in the said Markets.

Weighing and Measuring House.

XLIX. And be it enacted, That it shall be lawful for the said Council to erect, in some convenient Part of the new Market, a public Weighing House or Place for weighing or measuring any Meat, Provisions, or other Articles which shall be sold by Weight or Measure in the said Market and Town, and to maintain and improve the same as they shall think fit, and when the said Weighing House shall be completed, and the said Market opened, to remove the present Beam and Scales, with all the Weights and Measures thereunto belonging, to the said new Weighing House.

Standard Weights and Measures to be kept.

L. And be it enacted, That the Council shall keep in every such Weighing House or Place proper Weights, Scales, and Measures, according to the Standard Weights and Measures in the Exchequer at *Westminster*, for weighing or measuring all such Provisions or Articles as aforesaid, and shall appoint a proper Person to attend the same, at all Times during which the Markets shall be holden.

Market not to be opened until reasonable Accommodation is provided.

LI. And be it enacted, That no Market under this Act shall be opened for public Use until the Justices assembled at some General Quarter Sessions of the Peace for the County of *Devon* shall have reported that reasonable Accommodation has been provided for public Use in such Market.

Certificate thereof.

LII. And be it enacted, That a Certificate under the Hand of any Chairman of the Quarter Sessions of the Peace for the County of *Devon* at which such Report shall be made shall be conclusive Evidence of the same, after such Report shall have been made; and such Chairman shall sign such Certificate, on the Request of the said Council.

Notice of Opening.

LIII. And be it enacted, That before the said Market Place or House shall be opened for public Use the Council shall give Ten Days Notice of the Time at which the same will be opened; and every such Notice shall be given by the Publication thereof in some Newspaper published and circulating within the County of *Devon*, and by printed Handbills posted on the Doors and in front of the Town Hall, and on other conspicuous Places in the said Borough and Town.

Sale elsewhere than in the Market prohibited.

LIV. And be it enacted, That after the said Market Place or House shall be opened for public Use no Person shall sell or expose to sale in any Place within the said Town, (except in such Market Place or House, or his own Dwelling House or Shop in which he shall carry on his Trade in any of the marketable Articles mentioned in the last Schedule to this Act annexed, on all other Days of the

Week as well as on the Market Days,) any Butcher's Meat, Provisions, or other Goods or Commodities mentioned in the last Schedule to this Act annexed; and any Person who shall, after the opening of such Market, sell or expose to sale any of the Articles aforesaid in any Place within the said Town (except as aforesaid), shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that no Person shall be prohibited from selling Goods from Door to Door within the said Town on any other Day, except on Market Days.

On the great Market Day in March Persons may sell marketable Articles out of the Market Place.

LV. Provided always, and be it enacted, That on the great Market Days held on the Third *Saturday* in *March* in every Year, or at any other Time, if the intended Market Place should not be sufficiently capacious to afford Accommodation to all the Sellers frequenting the said Market, it shall be lawful for the Persons who cannot be so accommodated in the Market Place to sit and dispose of their marketable Articles in such Part of *South Street*, *High Street*, or *Corn Market Street* otherwise *Fore Street* as the Council shall authorize and direct, but subject nevertheless to the Payment of the Tolls as mentioned in the last Schedule to this Act annexed, and to all Powers of Recovery of the same as contained in this Act.

Tolls to be taken for Market.

LVI. And be it enacted, That after any such Market shall be opened for public Use it shall be lawful for the Council or their Lessee to demand and take from any Person occupying or using any Ground, Stall, Shed, or Stand in the new Market Place established by virtue of this Act, or bringing therein for Sale any Cattle, Animals, Provisions, Articles, or Things specified in the last Schedule to this Act annexed, such Stallage, Rents, and Tolls as the said Council or their Lessees shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule; and immediately on the said new Market being opened the Tolls now collected and payable shall cease, as far as they apply to the Articles, Commodities, and Things mentioned in the said Schedule.

Tolls for weighing and measuring.

LVII. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing House or Place for weighing or measuring any Articles sold in the said Market, Borough, and Town, by Weight or Measure, from Time to Time to demand and take any Sums not exceeding the several Tolls specified in that Behalf in the last Schedule to this Act annexed.

No Person to be exempt from Payment of Tolls in Market.

LVIII. And be it enacted, That no Person selling or exposing for Sale any Article in the said Market shall, by virtue of any Charter, Claim, Privilege, Custom, Act of Parliament, Usage, or Power, or on any Pretence whatever, be exempt from paying the Tolls, Rents, and Stallage mentioned in this Act.

List of Tolls to be set up.

LIX. And be it enacted, That the Council or their Lessee shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed and continued in some conspicuous Place in the Market Place established under the Provisions of this Act,

Act, a List of the several Tolls, Rents, and Stallages which shall from Time to Time be payable in respect of the said Markets; and no Toll, Rent, or Stallage shall be payable in respect of such Market during such Time as such List shall not continue to be affixed thereon, or for any Matter or Thing not specified in the said List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Tolls, Rents, and Stallages shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed, or in the State required by this Act.

Marketable Articles sold in Town on Market Days to be subject to same Tolls as if sold in Market.

LX. And be it enacted, That any Person who shall publicly expose to Sale any Provisions or Articles mentioned or referred to in the last Schedule to this Act annexed on Market Days within the said Town, in any Place other than in his own Dwelling House, or such Shop as aforesaid, be liable to the several Tolls, Rents, or Stallage mentioned in the last Schedule to this Act annexed, as if the same had been exposed for Sale in the said Market.

Toll may be levied by Distress.

LXI. And be it enacted, That the said Tolls, Rents, and Stallages shall be paid from Time to Time, on Demand, to the Council, or their Lessee or Collector, or other Person authorized by them to take the same; and if any Person liable to the Payment of any Tolls, Rents, or Stallage shall not pay the same when demanded, or shall evade the Payment thereof, it shall be lawful for the Council, or their Lessee or Collector, or the Person authorized to take the same, to levy the same by Distress of all or any of the Articles, Provisions, or other Goods in respect of which such Tolls, Rents, and Stallages were payable, or of any other Articles, Provisions, or Goods belonging to such Person or under his Charge in the Market, and to sell the said Articles, Provisions, or Goods forthwith, and out of the Proceeds of such Sale to pay the Tolls, Rents, and Stallage so due, rendering the Overplus, on Demand, after deducting the Expences of such Sale, to the Person whose Goods shall have been so distrained.

Dispute to be settled by a Justice.

LXII. And be it enacted, That in case any Dispute shall arise concerning any such Tolls, Rents, or Stallage, such Dispute shall be determined by a Justice, and such Justice shall summon the Parties to appear before him to hear and determine the Matter of every such Complaint upon Oath, and make such Order therein and award such Costs to either Party as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and such Justice shall issue his Warrant accordingly.

Penalty for obstructing Collector or Market Keeper.

LXIII. And be it enacted, That if any Person shall assault or obstruct any Collector of the said Tolls, Rents, or Stallages, or other Person authorized to receive the same or any of them, or any Person employed to superintend the said Market Place, or to keep Order therein, whilst in Exercise of his Duty, every Person offending in any of such Cases shall forfeit for every such Offence a Sum not exceeding Five Pounds.

LXIV. And

Penalty for refusing to weigh Articles sold.

LXIV. And be it enacted, That every Person selling any Meat or other Articles or Things in the said Town or in the Market Place to be erected by virtue of this Act, by Weight or Measure, shall weigh or measure the same by the Weights, Measures, or Scales to be provided in pursuance of this Act, upon being required so to do by the Buyer of the same; and if any Seller of any such Meat, Articles, or Things shall refuse or neglect to weigh or measure the same in manner aforesaid, when so required, he shall be liable to any Penalty not exceeding the Sum of Forty Shillings.

Power to lease the Markets, &c. for Three Years.

LXV. And be it enacted, That it shall be lawful for the Council from Time to Time to demise and let the said Market Place, or any Part thereof, and the Weighing House, or the said Stallages, Rents, or Tolls, or any of them, for any Period not exceeding Three Years, upon such Terms as shall be agreed upon between the Council and the Person to whom such Lease shall be made.

Power to lease Standings in the Market.

LXVI. And be it enacted, That it shall be lawful for the Council to let any of the Stalls, Standing Places, Benches, or other Conveniences in the said Markets or Market Place to any Person for any Term not exceeding Three Years.

Power to assign Lease of Standings.

LXVII. And be it enacted, That it shall be lawful for the Lessee of any such Stall, Standing Place, or other Convenience, his Executors, Administrators, and Assigns, with Consent of the Council, to assign the same for the Residue of his Term.

Market Days.

LXVIII. And be it enacted, That the Council shall hold the Markets within the said Borough and Town on *Saturday* in every Week, and on such other Day or Days and at such Hours as the Council shall direct.

Regulation of Markets.

LXIX. And be it enacted, That for the better Regulation of the said Market it shall be lawful for the Council from Time to Time to make such Bye Laws as they shall think fit, for all or any of the following Purposes; (that is to say,)

For directing the Manner of occupying and using the said Market Place and Weighing House or Place, and regulating the Conduct of the Persons resorting thereto:

For providing for the lighting and cleansing the Market Place:

For regulating the Carriers in the Markets, and fixing the Rates for carrying all Articles carried therefrom:

For regulating the Use of Weights and Measures in the Markets according to the legal Standard, and providing for the Sale of all Provisions and other Things therein by such Weights and Measures, and for preventing the Use of false or defective Weights and Measures.

For preventing unwholesome Provisions being sold or exposed for Sale in the Market:

For preventing Horses and Carriages travelling or going through the Market Place, or remaining there, or other Nuisances or Obstructions therein, or in the Approaches to the same.

Bye Laws to be published and sanctioned according to the Provisions of 5 & 6 W. 4. c. 76.

LXX. And be it enacted, That no Bye Laws which shall be made by the Council under the Authority of this Act (except such as relate to the Officers or Servants of the Council, and the Management of their own Business,) shall be valid or binding, unless the same be made and published and submitted to One of Her Majesty's Principal Secretaries of State in the Manner prescribed by the said recited Act for the Regulation of Municipal Corporations.

Breaches of Bye Laws.

LXXI. And be it enacted, That all the Provisions contained in the said recited Act for the Regulation of Municipal Corporations relative to Offences against that Act punishable upon summary Conviction, unless otherwise directed by this Act, shall be taken to apply to all Offences committed in breach of any Bye Law or Regulation made by virtue of this Act.

Penalty for pulling down Boards used for Publication of Bye Laws.

LXXII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board in the Market Place on which any Bye Law or Rule of the Council, or any Toll, Rent, or Stallage to be taken in pursuance of this Act, shall be printed or painted, shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty for having false Weights, &c.

LXXIII. And be it enacted, That any Person who shall in the Market Place to be made under the Authority of this Act use or have in his Possession any illegal or false Weight or Weights, Measure or Measures, shall forfeit a Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Inspector of Weights and Measures to be appointed by the said Council to seize and destroy such illegal Weights and Measures.

Penalty for exposing unwholesome Meat.

LXXIV. And be it enacted, That if any Person shall sell or expose or offer for Sale any unwholesome Meat or Provisions in the said Market Place, he shall forfeit any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Inspector of Provisions in such Market, appointed by the Council, to seize and destroy such unwholesome Meat or Provisions.

Projections in Streets not permitted.

LXXV. And be it enacted, That if any Person shall, after the new Market shall be opened for Use, place any Shamble, Stall, Standing, Block, Shelf, Ledge, or Crook, so as to project into or occupy any Part of any public Street, or to obstruct the free Passage of the Street, or be inconvenient or dangerous to Passengers in the said Town, for the Purpose of selling or exposing for Sale any Carcase, Butcher's Meat, or Flesh, Fish, Poultry, Vegetables, or other Provisions, or any other Wares or Merchandize, Goods or Articles, (except at the Times aforesaid,) he shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Penalty and Damages for Nuisances in the Market Place.

LXXVI. And be it enacted, That any Person who shall spoil, deface, or injure any Part of any such Market Place, or the Buildings, Fences, Stalls, or Standings thereof, or shall in any such Market Place cause any Obstructions or commit any Damage or Injury, shall forfeit for every such Offence any Sum not exceeding Five

Pounds, and shall also pay any Sum of Money as any Two or more Justices before whom the Conviction for such Penalty shall take place shall think a reasonable Satisfaction for the Injury done by such Person.

Provision for Damages not otherwise provided for.

LXXVII. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this Act any Damages or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue a Warrant accordingly.

For ascertaining Compensation.

LXXVIII. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, it shall be lawful for Two or more Justices to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Justices to examine Parties and Witnesses.

LXXIX. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justices, it shall be lawful for such Justices to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justices; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justices for going into any such Question, without reasonable Excuse to the Satisfaction of such Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justices to proceed *ex parte*.

Members of Council and Officers not disqualified as Witnesses.

LXXX. And be it enacted, That no Person shall, in any Action, Prosecution, Information, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness, on account of his being a Member of the said Council, or holding any Office or Employment under such Council.

Publication of Penalties.

LXXXI. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures recoverable under this Act, or any Bye Law of the Council relating thereto affecting other Persons than the Officers or Servants of the Council, be it enacted, That from Time to Time the Council shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars

Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the said Market Place; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated and destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalties to be summarily recovered before Two Justices or more.

LXXXII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding before Two or more Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving a Copy of the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

LXXXIII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any such Justices shall issue a Warrant of Distress accordingly.

Imprisonment in default of Distress.

LXXXIV. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, such Justices may refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed

committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeitures and Costs be sooner paid and satisfied.

Application of Penalties.

LXXXV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award the same to be paid to the Treasurer of the said Borough for the Time being, to be applied to the same Purposes as the Tolls, Rents, and Stallages are by this Act directed to be applied.

Penalties to be sued for within Six Months.

LXXXVI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice or Justices, unless the Complaint respecting such Offence shall have been made before such Justice or Justices within Six Months next after the Commission of such Offence.

Penalty on Witnesses making Default.

LXXXVII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which any Justice or Justices shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be so summoned as a Witness touching any Offence committed against this Act, or any Matter in which any Justice or Justices shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

LXXXVIII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Council, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Two or more Justices, without any Warrant or other Authority than this Act; and such Justices shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

LXXXIX. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (E.) to this Act annexed.

Informalities.

XC. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be

be removed, by Certiorari or otherwise, into any of the Superior Courts.

Distress how to be levied.

XCI. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

XCII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

XCIII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice or Justices under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County of *Devon*, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

XCIV. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Interpretation Clause.

XCV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words

Words importing the Masculine Gender shall include Females:
The Word "Month" shall mean Calendar Month:
The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:
The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:
The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:
The Word "Justice" or "Justices" shall mean Justice or Justices of the Peace acting in and for the said County, Borough, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:
The Expression "the Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough and Town of *Great Torrington* in the County of *Devon*:
The Expressions "the Council," "the Town Clerk," and "the Treasurer," shall respectively mean the Council, the Town Clerk, and the Treasurer of the said Borough and Town.

XCVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

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SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage.

WE, the Mayor, Aldermen, and Burgesses of the Borough and Town of Great Torrington in the County of Devon, by the Council of the said Borough and Town, acting in pursuance of an Act passed [*here set forth the Title of this Act*], in consideration of the Sum of paid to us by *A. B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, or Assigns, such Proportion of the Tolls, Rents, and Stallage arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Tolls, Rents, and Stallage, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day, until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we the said Mayor, Aldermen, and Burgesses have hereunto affixed our Corporate Seal, the Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Mayor, Aldermen, and Burgesses of the Borough and Town of Great Torrington in the County of Devon, acting in pursuance of an Act passed [*here set forth Title of this Act*], to bearing Date the Day of for securing the Sum of and Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Tolls, Rents, and Stallage thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .

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SCHEDULE (C.)

Form of Conveyance.

I of in consideration of the Sum of to me [*or, as the Case may be,* into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte the Council of the Borough and Town of Great Torrington in the County of Devon, *or* to *A.B.* of and *C.D.* of (Trustees appointed to receive the same,) pursuant to the Act after mentioned,] paid by the Mayor, Aldermen, and Burgesses of the Borough and Town of Great Torrington, in pursuance of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], do hereby convey to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same and every Part thereof as I am or shall become seised, possessed of, or entitled to, or am by the said Act capacitated or empowered to convey, to hold the Premises to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me [*or* us] my [*or* our] Heirs [*or* Successors] and Assigns, as herein-after mentioned, by the Mayor, Aldermen, and Burgesses of the Borough and Town of Great Torrington in the County of Devon, by virtue of an Act passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], do hereby convey to the said Mayor, Aldermen, and Burgesses aforesaid all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my [*or* our] Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Mayor, Aldermen, and Burgesses for ever, according to the true Intent and Meaning of the said Act, they the said Mayor, Aldermen, and Burgesses yielding and paying unto me [*or* us], my [*or* our] Heirs and Assigns [*or* Successors and Assigns), One clear yearly Rent of by equal quarterly [*or* half-yearly, *as agreed upon*] Portions henceforth on the [*stating the Days*], clear of all Taxes and Deductions. 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 .

SCHEDULE (E.)

Form of Conviction.

to wit.

BE it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me [*or* us] *C.D.* [and *E.F.*] One [*or* Two] of Her Majesty's Justices of the Peace having Jurisdiction within the Borough and Town of Great Torrington [*or* for the County of Devon, *as the Case may be*], [*here describe the Offence generally, and the Time, Place, when and where committed,*] contrary to an Act passed [*here set forth the Title of this Act*]. Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.

C. D.
E. F.

THE LAST SCHEDULE.

Table of Tolls, Rents, and Stallage.

Meat.

	£	s.	d.
For every enclosed Butcher's Stall or Shop fitted up with Racks and Hooks, to be occupied every Day in the Week, any Sum not exceeding the yearly Rent or Sum of	10	0	0
Or if taken by the Week, and to be occupied on the regular Market Days only, any Sum not exceeding per Diem	0	4	6
For every open Butcher's Stall fitted up with Racks and Hooks, to be occupied every Day in the Week, any Sum not exceeding the yearly Rent or Sum of	6	0	0
Or if taken by the Week, and to be occupied on the regular Market Days only, any Sum not exceeding per Diem	0	2	6
For every such enclosed or open Stall or Shop, on any other Day than the regular Market Day, any Sum not exceeding per Diem	0	4	0
For every Stand, Stall, or Bench for the Sale of Meat, per Superficial Foot for each Market Day, any Sum not exceeding	0	0	3
For every other Day in the Week, any Sum not exceeding per Superficial Foot	0	0	2
For the Carcase of every Bull, Ox, Steer, Cow or Heifer, Calf, Sheep, or Lamb, or any Part thereof, exposed for Sale in the Market by any Person not occupying a Stall or Shop, any Sum not exceeding	0	2	0

	£	s.	d.
For the Carcase of every Hog exposed for Sale by any Person not occupying a Stall (if such Hog shall not weigh more than Five Score of Twenty Pounds to the Score), any Sum not exceeding - - - -	0	0	3
For every additional One hundred Pounds, or Five Score Weight, any Sum not exceeding - - - -	0	0	1

Pannier and other Markets.

For each and every Foot of Ground in Length of the said Market Place occupied by any One Person for exposing to Sale Poultry, Bacon, Butter, Eggs, Vegetables, Fruit, or any other Article of Provisions usually sold in public Markets on any Market Day, any Sum not exceeding -	0	0	3
And so in proportion for every Part of a Foot in Length.			
For any other Day in the Week, any Sum not exceeding	0	0	1½
For every Hand-basket, Hamper, or other Thing containing Poultry, Butter, Eggs, Fish, or any other Articles of Provisions not deposited on the Ground, exposed for Sale on a Market Day, (except Vegetables and Fruit,) the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Seven Inches in Depth, for each Market Day, any Sum not exceeding - - - - -	0	0	2
For every Hand-basket, Hamper, or other Thing containing Vegetables or Fruit only, exposed for Sale on a Market Day, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches Breadth and Twelve Inches in Depth, and not deposited on the Ground, any Sum not exceeding - -	0	0	2
If any of the before-mentioned Hand-baskets, Hampers, or other Things shall exceed in Length, Breadth, and Depth the Number of Inches before respectively limited, for every additional Inch in Length, Breadth, and Depth thereof, any Sum not exceeding - - - - -	0	0	0¼
For every Hawker or Pedlar or other Person exposing for Sale any Article whatever within the said Market on a Market Day, by Hand or otherwise, and not occupying any Ground in the Market, any Sum not exceeding -	0	0	6
Every Hawker selling Articles in or from a Cart or Waggon, any Sum not exceeding - - - -	0	3	0
For every Bag of Potatoes not weighing more than One hundred and sixty Pounds, pitched in the Market, any Sum not exceeding - - - - -	0	0	2
And so in proportion for a greater Weight.			
For every Bag of Carrots or Turnips not containing more than Ten Pecks Imperial Measure, pitched in the Market, any Sum not exceeding - - -	0	0	2
And so in proportion for a greater Weight.			

	£	s.	d.
For every Bag of Potatoes, Carrots, or Turnips brought within the Limits of the foregoing Act for the Purpose of Sale, but not pitched in the Market, any Sum not exceeding	0	0	1
For every Bag of Peas, Beans, or other Vegetables brought within the Limits of the foregoing Act, pitched in the Market, any Sum not exceeding	0	0	2
For every Ditto for Sale, not pitched in the Market	0	0	1
For every Bushel or less Quantity of Vetches, Clover, Trefoil, Turnip, or other Seeds, sold or exposed for Sale within the said Market, any Sum not exceeding	0	0	6
For every Cart containing any of the same Articles exposed for Sale, any Sum not exceeding	0	1	0
For every Truck or Wheelbarrow containing any of the same Articles exposed for Sale, any Sum not exceeding	0	0	3
For every Table, Stand, or Portion of Ground in the said Market, for exposing to Sale any Garden Seeds or any other Article whatever not before described, any Sum per Superficial Foot not exceeding	0	0	3
For every Superficial Foot of Ground in the said Market, whether covered or uncovered, used or occupied by Persons offering for Sale or selling Cabbage or other Plants, Apple or other Fruit Trees, or Shrubs or Flowers, or young Tree, Hedge, Coppice, Fir, or other Plants or Seedlings, for each Market Day any Sum not exceeding	0	0	3
For Ditto, Ditto, any other Day in the Week, not exceeding	0	0	1½
For each and every Superficial Foot of every Stall or open Ground within the Market Place, for exposing to Sale any manufactured Goods, Wares, and Merchandize, for each Market Day, any Sum not exceeding	0	0	4
For the like on each and every other Day than Market Day, not exceeding	0	0	3
For each and every Superficial Foot of every Stall or open Ground, for selling or exposing to Sale within the said Market on a Market Day any Cheese or other Article not herein-before particularly mentioned, for each Day not exceeding	0	0	3
And for any other Day, not exceeding	0	0	2
For every Waggon or Cart laden with Fruits, Vegetables, or other agricultural Produce, sold or exposed to Sale by Wholesale or Retail, any Sum not exceeding	0	2	0
For each and every Superficial Foot of Ground of the said Market used for exposing to Sale any Article whatever not herein-before mentioned or enumerated, any Sum not exceeding	0	0	3
For the Use of the large Market Room for selling Goods, Wares, and Merchandize by Auction, or exhibiting any Articles for Sale, or for any other Purpose whatever, not exceeding per Day	5	0	0

Calve and Pig Market.

	£	s.	d.
For every live Calf exposed for Sale in the Market, any Sum not exceeding - - - -	0	0	6
For every live Pig exposed for Sale in the Market, any Sum not exceeding - - - - -	0	0	3

Fish.

For every enclosed covered Fish Stall or Bench used for the Sale of Fish on a Market Day, any Sum not exceeding for each and every Superficial Foot - -	0	0	3
For every other Fish Stall, Standing, or Place used for the Sale of Fish on a Market Day, any Sum not exceeding for each and every Superficial Foot - -	0	0	2
For every Cart containing Fish exposed for Sale, any Sum not exceeding - - - -	0	1	0
For every Horse, Mule, or Ass Load of Fish exposed for Sale, any Sum not exceeding - - -	0	0	6
For every Barrel, Tub, Pannier, Hamper, or other Thing containing Fish exposed for Sale, not exceeding -	0	0	3
For exposing Fish for Sale in the Market Place on any other Day than the regular Market Day, a Moiety of the above Tolls.			

Tolls for Weighing.

For every One Hundred Weight of Cheese, not exceeding	0	0	3
For every Lot of Fat or Tallow, not exceeding - -	0	0	4
For every Flitch of Bacon, not exceeding - -	0	0	2
For every Bullock's Hide, not exceeding - - -	0	0	2
For every Calf Skin, not exceeding - - -	0	0	1
For every Sheep, Lamb, or Calf, not exceeding - -	0	0	2
For every Pig, not exceeding - - - -	0	0	3
For every Bullock, not exceeding - - -	0	0	4
For every Half Ditto, not exceeding - - -	0	0	2
For every Quarter Bullock, not exceeding - -	0	0	1
For every Quantity of Meat or other Articles not before specified, and not exceeding Twenty-eight Pounds -	0	0	1
And so in proportion for every greater Quantity.			
For every Package or Parcel, not exceeding - -	0	0	4

Measures.

For all Articles measured by the Measures kept in the said Market, at per Bushel, or any less Quantity, not exceeding - - - - - -	0	0	1

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

Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day.

And in all Cases where the Ground is charged by the Foot every less Quantity than a Foot shall be paid in the same Proportion.

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