ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

# VICTORIÆ REGINÆ.

## *Cap.* lxxv.

**An Act for empowering the Local Board for the District of *Wolborough* in the County of *Devon* to acquire Market and Fair Rights and Tolls, and to establish and hold Markets and Fairs; and for other Purposes. [25th *June* 1868.]**

WHEREAS the Local Board for the District of *Wolborough* in the County of *Devon* (in this Act called the Local Board) is a Local Board constituted and established by the Adoption by and for the Parish of *Wolborough* (in which is situate the Town of *Newton Abbot*) of the Local Government Act, 1858, and the Consent of the Owners and Ratepayers of the District has been duly given to the Exercise by the Local Board of the Powers relating to the Establishment and Regulation of Markets conferred by Section Fifty of the Local Government Act, 1858: And whereas it is expedient that the Local Board be empowered to purchase by Agreement the Stallages, Rents, Tolls, and Dues levied in respect of Markets and Fairs held within their District, or within the adjoining Parish of *Highweek* otherwise *Highwick* (in this Act called *Highweek*), and the Right or Claim to hold such Markets and Fairs, and that on the Completion of such Purchase exclusive Powers be conferred on the Local Board to hold and regulate Markets and Fairs, and levy Stallages, Rents, and Tolls, within their District and the Parish of *Highweek*, and that divers Powers in

connexion with and for the Purposes of Markets and Fairs be conferred on the Local Board, and that they be authorized to make a Road and a Deviation of a Road and other Improvements in connexion with the intended Market Place and otherwise, and to raise further Money for the several Purposes herein-before mentioned: And whereas the Objects aforesaid cannot be attained without the Authority of Parliament: And whereas Plans and Sections describing the Lines, Situations, and Levels of the intended Works, and a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Lands in the Line of the proposed Works, or within the Limits of Deviation as defined on the Plans and describing those Lands, have been deposited with the Clerk of the Peace for the County of *Devon* (which are in this Act referred to as the deposited Plans, Sections, and Book of Reference): May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

**1.** This Act may be cited as The *Newton* Market Act, 1868.

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 14., and 23 & 24 Vict. c. 106. incorporated.

**2.** The following Acts and Parts of Acts (as far as the same are applicable for the Purposes and are not inconsistent with the Provisions of this Act) are hereby incorporated with this Act; namely,

The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860:

The Markets and Fairs Clauses Act, 1847.

Interpretation of Terms.

**3.** With respect to the Interpretation of Terms in and for the Purposes of this Act the following Provisions shall have Effect; namely,

Terms to which Meanings are assigned in the Acts incorporated wholly or in part with this Act or which have therein special Meanings have in this Act the same respective Meanings:

In this Act, and for the Purposes of this Act in any Act incorporated wholly or in part with this Act, the Term "Court of competent Jurisdiction" shall have Effect as if the Debt or Demand with respect to which it is used was a common Simple Contract Debt and not a Debt or Demand created by Statute, and shall include a County Court, and the Term "Superior Courts" shall include Courts of competent Jurisdiction within the Meaning of this Act:

In this Act the Term "the Public Health Acts" means the Public Health Act, 1848, the Local Government Act, 1858, and the Acts amending them.

**4.** The

Limits of Act.

**4.** The Limits of this Act include the District of the Local Board and the Parish of *Highweek*: Provided always, that nothing in this Act shall in any respect extend the Authority of the Local Board to the Parish of *Highweek*, except as expressly provided in this Act in relation to Markets and Fairs, and to the Works authorized by this Act, or make any Inhabitant of or Property within the Parish of *Highweek* liable to be rated for or to contribute in any Manner to the Expenses of the Execution of this Act, or the Works hereby authorized, except so far as any such Person may become liable hereunder to the Payment of any Stallages, Rents, Tolls, or Penalties.

Application of Public Health Acts.

**5.** Subject to the express Provisions of this Act, this Act shall be executed by the Local Board with the Powers and Indemnities and according to the Provisions of the Public Health Acts, and these Acts shall, in relation to the Local Board and the Purposes of this Act, be read and have Effect as if the Purposes and Provisions of this Act were Purposes and Provisions of the Public Health Acts, and as far as may be as if the District of the Local Board comprised all Places within the Limits of this Act.

Power to acquire Lands as specified in First Schedule.

**6.** The Local Board may purchase by Agreement the Lands, Buildings, Stallages, Rents, Tolls, and other Dues specified in the First Schedule to this Act.

Power to establish Markets and Fairs, take Lands, &c.

**7.** From and after the Completion by the Local Board of the Purchase authorized by this Act of the Stallages, Rents, Tolls, and Dues, and Right or Claim aforesaid, comprised in the said Schedule, (but not sooner,) they shall by virtue of such Purchase and of this Act have within the Limits of this Act the following Powers and Duties; (that is to say,)

(1.) They may continue existing and establish and hold new Markets and Fairs:

(2.) They may in and for any existing or new Market Place, Market House, Market, or Fair demand and receive Stallages, Rents, and Tolls, not exceeding (except with the Approval of One of Her Majesty's Principal Secretaries of State) those specified in the Schedule to this Act, from the Persons and in the Cases and in respect of the Animals and Things in that Schedule described, or, with the Approval aforesaid, but not otherwise, from Persons and in Cases and in respect of Animals and Things other than those in that Schedule described:

(3.) They may maintain existing and from Time to Time provide new Market Places and Market Houses for the Sale of marketable Commodities and Animals, and Places for Fairs, with Approaches, Works, and Conveniences:

(4.) They

(4.) They may alter or discontinue any Market or Fair, and enlarge, improve, alter, or remove, or take down and rebuild or reconstruct, any Market Place or Market House, or any Place for Fairs, or any Approach, Work, or Convenience:

(5.) They may enter on, take, and use Lands described in the deposited Plans and Book of Reference, and may from Time to Time purchase by Agreement for the Purposes of this Act any other Lands adjoining the Property so to be acquired, or appropriate any Lands for the Time being belonging to them or under their Control.

Restriction on Sales out of Markets.

**8.** If any Person not being a licensed Hawker, without the Consent of the Local Board, sells or exposes for Sale at any Place within the Limits of this Act, except in the Market Place or in his own Dwelling House, or Outbuildings attached thereto, or in his own Shop, or on his own Farm, any Cattle, Horses, Sheep, or Pigs, or any Meat, Corn, Grain, Fish, Pigeons, Eggs, Poultry, Fruit, Vegetables, Roots, Butter, or other marketable Commodity, he shall in every such Case be guilty of an Offence against this Act, and shall for every such Offence be liable on summary Conviction to the following Penalty; (that is to say,) for the First Offence a Penalty not exceeding Ten Shillings, for the Second Offence a Penalty not exceeding Forty Shillings, and for the Third and any subsequent Offence a Penalty not exceeding Five Founds: Provided always, as follows:

(1.) Nothing in this Section shall prohibit any Person from crying or exposing for Sale or from selling from Door to Door within the Limits of this Act any Commodity, if and when he has first paid for the same the Stallages, Rents, or Tolls authorized to be taken by the Local Board in respect thereof under this Act, and such Commodity have been first brought into the Market for Inspection there:

(2.) The Vendors of all Cattle and Commodities liable to Stallages, Rents, or Tolls under this Act shall have, if they require it, sufficient Accommodation or Space to expose them for Sale in the Market.

Tolls on Articles brought from beyond Parishes, &c.

**9.** Where on a Day appointed for the holding of a Market under this Act any Person brings from beyond the Parishes of *Wolborough* and *Highweek* anything in respect of the Sale or Exposure for Sale, or the User of any Stall or other Convenience for the Sale or Exposure for Sale, whereof in any Market Place or Market House any Stallage, Rent, or Toll is leviable under this Act, and delivers the same to or for a Purchaser at any Place within either of the Parishes of *Wolborough* and *Highweek*, then and in every such Case the like Stallage, Rent, or Toll shall be payable in respect thereof as if the same had been sold or exposed for Sale, or a Stall or other Convenience

venience for the Sale or Exposure for Sale thereof had been used, in a Market Place or Market House: Provided always, that nothing herein contained shall extend to make anything liable to the Payment of any Tolls or Stallage which may have been *bonâ fide* sold at any Port, Farm, Fair, or Market, and which may be delivered at any Place within the said Parishes or any of them by the Vendor to the Purchaser in pursuance of the Contract for Sale made as aforesaid at such Port, Farm, Fair, or Market, but in any Proceeding under this Act the Burden of Proof of such Sale shall lie upon the Vendor.

Power to let Stalls, &c.

**10.** The Local Board may from Time to Time let to any Person any Stall, Standing, or other Convenience in any Market or Fair for any Time not exceeding Three Years at such Rent and on such Terms as they think reasonable.

Power to let Tolls of Markets, &c.

**11.** The Local Board may from Time to Time demise for any Term not exceeding Five Years the whole or any Part of the Stallages, Rents, and Tolls receivable in respect of the Markets and Fairs, or any of them.

Recovery of Tolls.

**12.** If any Person liable to the Payment of any Stallage, Rent, or Toll payable to the Local Board does not pay the same when demanded, the Local Board, or their Lessee, or any Person authorized by the Local Board or their Lessee to collect the same, may seize and detain the Commodity or Cattle in respect of which the same is payable, or any other Commodity or Cattle belonging to the Person liable to pay the same or under his Charge; and if the Stallage, Rent, or Toll, and the reasonable Charges of the Seizure and Detention and of the keeping and maintaining of the Commodity or Animal seized, is not paid within Four Days from the Time of Seizure, or, in case of perishable Articles, within Six Hours from the Time of Seizure, the Local Board or their Lessee may sell the Commodity or Cattle seized, and out of the Money arising thereby may pay and retain the Stallage, Rent, or Toll, and the Charges aforesaid, and those of the Sale, returning the Overplus (if any) to the Owner of the Commodity or Cattle seized, or such Stallage, Rent, or Toll may be recovered in any Court of competent Jurisdiction.

Provision for Shows, Caravans, &c.

**13.** Notwithstanding anything in this Act, the Local Board may, if they think fit, prevent any Show, Caravan, or other Exhibition from being brought into the Market Place, or may allow the same to be brought in there on such Terms and Conditions as they think fit.

Prohibition of other Markets and Fairs.

**14.** From and after the Completion by the Local Board of the Purchase authorized by this Act of the Stallages, Rents, Tolls, and Dues,

Dues, and Right or Claim aforesaid, it shall not be lawful for any Person or for any Body other than the Local Board to establish, set up, or hold any Market or Fair within a Distance of Three Miles from any Part of the Market House existing at the passing of this Act in the Township of *Newton Abbot*; but nothing in this Act shall interfere with the Right or Claim of any Person or Body to hold the annual Cattle Fair at *Denbury*, or any other legal Market or Fair usually at the passing this Act held within that Distance.

Power to make Roads and take Lands.

**15.** Subject to the Provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Local Board may make, execute, and maintain in the Lines and Situations and according to the Levels described on the deposited Plans and Sections the new Road and the Deviation of Road shown on the deposited Plans, with all proper Roadways, Footways, Pavements, Sewers, Drains, Gutters, Works, and Conveniences connected therewith, and may enter on, take, hold, and use Lands described in the deposited Plans and Book of Reference.

Power to deviate from Levels, &c.

**16.** In making the new Road or the Deviation of Road the Local Board may deviate to any Extent not exceeding Five Feet from the Levels thereof defined on the deposited Sections, and may deviate from the Lines thereof within the Limits of Deviation defined on the deposited Plans, and beyond those Limits, with the Consent of the Owners, Lessees, and Occupiers of the Lands through which any such Deviation is to be made, but not otherwise.

Obligation to make new Road from Courtenay Street.

**17.** Within Eighteen Months after the passing of this Act the Local Board shall make the new Road shown on the deposited Plans out of *Courtenay Street* in *Newton Abbot* of a Width of not less than Twenty Feet from the Entrance from *Courtenay Street* for a Distance of Twenty-four Feet, and thence into the Market Place of a Width of not less than Forty Feet, and shall open the same for public Use.

Deviated Road in Highweek to be Parish Road.

**18.** When and as soon as the Local Board have completed the Road authorized by this Act to be made by way of Deviation from the Parish Road leading from the *New Exeter* or *Kingsteignton* Road to the *Newton* or *Sherborne* Mills (of which Completion the Certificate of Two Justices not being Members of the Local Board shall be conclusive Evidence, which Certificate Two Justices shall give on Proof of such Completion being adduced to their Satisfaction), the Road so made and completed by the Local Board shall be deemed a Parish Road within the Parish of *Highweek*, and shall be subject to the Provisions of the General Acts of Parliament for the Time

Time being in force relating to the Maintenance and Regulation of Parish Roads, and shall be repairable accordingly; and when and as soon as such Road is made and completed, all public and other Rights of Way and all other public Rights on, over, or affecting the Portion of the existing Parish Road which extends from the *New Exeter* or *Kingsteignton* Road to the Point at which the new Road made under this Act will join the same shall cease and be extinguished, and the Local Board may stop up that Part of the existing Parish Road, and appropriate and use the Site thereof for Purposes of this Act, or for other Purposes for which they are authorized to hold Lands.

Power to cover over Part of Lemon Stream.

**19.** The Local Board may cover over so much of the *Lemon* Stream in the Parishes of *Wolborough* and *Highweek* as lies to the Westward of the Bridge which crosses that Stream at the North End of *Courtenay Street* in *Newton Abbot*, and they shall at all Times maintain any Arch or other Covering placed over the same by them under the Authority of this Act, and may use the Surface of such Arch or Covering for Market or other Purposes as they think fit: Provided always, that the Local Board before they cover in the said Stream shall provide the following Apertures or Openings for the Purpose of carrying off the Flood Water from the *Lemon* Stream, namely, Two Apertures in the upper Half of the Arch to be constructed over the *Lemon* Stream of the Dimensions of at least Four Feet by Two Feet, and shall construct and carry Two Culverts of the same Sectional Area from the *Lemon* Stream to the *Milltail* Stream, and shall also, provided the Consent of the Trustees of the *Totnes and Berry Pomeroy* Turnpike Trust can be obtained therefore, raise the Arch which carries the *New Exeter* or *Kingsteignton* Road over the *Milltail* Stream Two Feet, and round off the Angle of Intersection with the said Arch in the Garden belonging to Mr. *William Badcock*.

Power to stop up Roads, &c.

**20.** The Local Board may stop up, alter, or divert temporarily or permanently any of the Turnpike Roads, Highways, or other Roads, Streets, Ways, Paths, Drains, and Watercourses within the Limits of Deviation shown on the deposited Plans that it may be necessary to stop up, alter, or divert by reason of the Enlargement and rebuilding of the existing Market Place and Market House, and the Construction of Roads, Approaches, and other Works authorized by this Act, and for which Substitutes are provided, and may use for Purposes of this Act any such Road, Street, Way, Path, Drain, or Watercourse as and when so altered or diverted.

Period for Completion of Works.

**21.** If the new Road and Deviation of Road and the covering over of the *Lemon* Stream authorized by this Act, and the Works immediately

immediately connected therewith respectively, are not completed within Five Years from the passing of this Act, then on the Expiration of that Period the Powers by this Act granted for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to agree for Easements, &c.

**22.** The Local Board may take by Agreement, and any Person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell Lands may grant to them, any Easement, Right, or Privilege in, over, affecting, or belonging to Lands at a yearly Quitrent or otherwise, but in the Case of a Person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell Lands, then subject and according to the Provisions relative to the taking of Lands by Agreement contained in that Act, and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which Purposes any such Easement, Right, or Privilege shall be deemed Lands within the Meaning of those Acts.

Powers for compulsory Purchases limited.

**23.** The Powers of the Local Board for compulsory Purchase of Lands under this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Correction of Errors, Omissions, &c.

**24.** If any Omission, Mis-statement, or erroneous Description is found to have been made of any Lands, or of any Owners, Lessees, or Occupiers of any Lands, described or intended to be described in the deposited Plans or Book of Reference, the Local Board may apply to Two Justices (not being Members of the Local Board) for the Correction thereof, after giving Ten Days Notice to the Owners of the Lands affected by the proposed Correction; and if it appears to such Justices that the Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, stating the Particulars of the Omission, Mis-statement, or erroneous Description; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Devon*, and shall be kept by him with the other Documents to which it relates, and subject and according to the same Enactments and Provisions as apply to those other Documents, and thereupon the deposited Plans or Book of Reference (as the Case requires) shall be deemed to be corrected according to the Certificate, and the Local Board may enter on, take, hold, and use those Lands accordingly.

Sale of Land.

**25.** The Local Board as and when they think fit may sell and dispose of any Lands or Buildings not required by them for the Purposes of this Act, either all together or in Parcels, by Public Auction or by Private Contract, for such Price as the Local Board think reasonable, and subject to such Stipulations and Provisions for

for the Enjoyment thereof, and as to the Nature of the Erections and Buildings which are to be at all Times erected thereon, and to such Stipulations as to the Title to be produced to the Hereditaments sold, as the Local Board think fit; and the Local Board shall, at the Request and Expense of each Purchaser, on Payment of his Purchase Money, by Deed convey and assure the Lands purchased by him, with the Erections and Buildings thereon, and Appurtenances, to the Purchaser, his Heirs and Assigns, or as he directs, free from Incumbrances by the Local Board.

Separate Account.

**26.** The Local Board shall keep a separate Account of their Receipts, Payments, Credits, and Liabilities under this Act, to be called the Markets Account.

Application of Money received for Lands.

**27.** The Local Board shall carry to the Credit of the Markets Account all Money received by them as Consideration for Lands sold by them under this Act.

Power to borrow for Purposes of Act.

**28.** The Local Board may, in addition to any Money which they have borrowed or are authorized to borrow independently of this Act, from Time to Time borrow at Interest on the Credit of the Money to be carried by them to the Market Account, and of Rates leviable under the Public Health Acts, or of either of those Securities, such Sums of Money not exceeding in the whole Fifteen thousand Pounds as they from Time to Time think requisite for the Purposes of this Act, and may mortgage such Money and Rates, or either of those Securities, accordingly.

Protection of Lenders from Inquiry.

**29.** Any Person lending or paying Money under this Act to the Local Board or their Treasurer or Clerk shall not be bound or entitled to inquire as to the Observance by them of any Provision of this Act, or be bound to see to the Application or be answerable for any Loss or Nonapplication of such Money or of any Part thereof.

Repayment of Money borrowed by Instalments or Sinking Fund.

**30.** The Local Board shall, out of the Money carried to the Credit of the Market Account and of the Rates aforesaid, either pay off the Money borrowed under this Act by annual or other Instalments within Fifty Years reckoned from the Expiration of Five Years after the passing of this Act, or else appropriate as a Sinking Fund every Year, beginning with the Expiration of the same Term of Five Years, and until the Money so borrowed is fully paid off, a Sum equal to One Fiftieth Part of the Money borrowed, and such Sinking Fund shall be invested, accumulated, and applied according to Section Fifty-seven of the Local Government Act, 1858.

Power to reborrow subject to Exceptions.

**31.** Where the Local Board pay off any Money by Instalments or a Sinking Fund as in this Act directed, their Powers of borrowing under this Act shall to the Extent of the Money so paid off determine, but they may from Time to Time reborrow any Money paid off otherwise than by Instalments or a Sinking Fund;

Form of Mortgages.

**32.** The Provisions of the Public Health Acts relating to the Form, Register, Transfer, and Register of Transfer of Mortgages, and to a Receiver, shall apply to Mortgages under this Act.

Arrears may be enforced by Appointment of a Receiver.

**33.** The Mortgagees may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Two thousand Pounds in the whole.

Priority of existing Mortgages.

**34.** All Mortgages and Securities granted by the Local Board before the passing of this Act on the Security of the General District Rates shall, while subsisting, have Priority to Mortgages granted under this Act.

Restrictions as to borrowing not to apply.

**35.** The Borrowing Powers of the Local Board under this Act shall not be restricted by any of the Provisions of Section Fifty-seven of the Local Government Act, 1858, nor shall Money borrowed under this Act be reckoned in the Calculation of the Amount allowed to be borrowed by the Local Board under that Section.

General District Rates to be increased.

**36.** After any Money is borrowed under this Act the Estimate for and the Amount raised by the General District Rates leviable by the Local Board shall comprise the Sums for the Time being required for the Payment of Interest or Repayment of Principal on or in respect of the Money so borrowed.

Application of Money.

**37.** The Local Board shall apply all Money carried to the Credit of the Markets Account (other than Money borrowed or received as Consideration for Lands sold) for the Purposes and in the Order following; (that is to say,)

First, in repaying as in this Act provided the Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act;

Secondly, in maintaining the Market Places and Market and other Houses constructed, erected, or acquired under this Act, and

and the Conveniences connected therewith, from Time to Time as Occasion requires, and in paying all necessary and proper current Outgoings in respect thereof;

Thirdly, in paying from Time to Time the Interest on Money borrowed by the Local Board under this Act, and for the Time being remaining due, as and when such Interest becomes payable;

Fourthly, in from Time to Time providing the Instalments or setting apart and appropriating the Sinking Fund prescribed by this Act for Repayment of Money borrowed as and when each such Instalment or such Sinking Fund is required to be provided or set apart and appropriated;

Fifthly, in discharge of the Purchase Money payable for Lands and Property purchased under the Authority of this Act;

Sixthly, in improving, enlarging, constructing, and erecting Market Places and Market Houses and in executing the Works authorized by this Act;

Seventhly, in paying off the Principal Money borrowed by the Local Board under this Act, and for the Time being remaining due (but not in aid of the Sinking Fund by this Act provided); and

Lastly, any Surplus remaining after the Purposes aforesaid are effected shall be carried to the District Fund Account:

And all Money borrowed by the Local Board under this Act, or received by them as Consideration for Lands sold, shall be applied to all or any of the Purposes firstly, fifthly, sixthly, and seventhly in this Section specified.

Audit of Accounts.

**38.** Section Sixty of the Local Government Act, 1858, (relating to the Audit of Accounts,) shall apply to the Markets Account under this Act, except that any additional Remuneration payable for Audit thereof shall be charged to that Account.

Evidence of Byelaws.

**39.** A Copy of any Byelaws made under this Act, or any Act incorporated wholly or in part therewith, or under the Public Health Acts, in Writing or in Print, or partly in Writing and partly in Print, purporting to be sealed with the Seal of the Local Board, and to be certified as a true Copy by the Clerk to the Local Board under his Hand, shall be *primâ facie* Evidence in all Courts and elsewhere of the Existence, due making, and Contents of such Byelaws.

Penalties not cumulative.

**40.** Penalties imposed on the Local Board by several Acts for the same Offence shall not be cumulative, and for this Purpose this Act and the Acts incorporated herewith, and the Public Health Acts, shall be deemed several Acts.

**41.** Penalties

Recovery of Penalties.

**41.** Penalties under this Act shall be recovered and applied as Penalties under the Public Health Acts are recoverable and applicable.

Application of Penalties.

**42.** The Justices by whom any pecuniary Penalty is imposed under this Act shall, where the same is payable by any Person or Corporation other than the Local Board or their Servants, and the Application thereof is not otherwise provided for, award the same to the Local Board.

Several Names in One Warrant, &c.

**43.** Any Number of Names or Sums may be included in any Information, Summons, Warrant of Distress, or Notice obtained or given by the Local Board for any of the Purposes of this Act, and may be stated either in the Body of the Information, Summons, Warrant, or Notice, or in a Schedule thereto.

Costs of Distress.

**44.** Any Justice issuing a Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Sum ordered to be paid shall be paid by the Person liable to pay such Sum, and the Costs shall be ascertained by the Justice issuing the Warrant, and shall be included in the Warrant of Distress for the Recovery of the Sum.

Forms of Public Health Act may be used.

**45.** The Forms given in Schedule D. and Schedule E. to the Public Health Act, 1848, may be used for the Purposes of this Act, with the Variations necessary for referring to this Act, and for making them applicable to those Purposes, and such other Variations as Circumstances require.

Authentication of Notices.

**46.** Any Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or in Print, or partly in Writing and partly in Print, and if the same requires Authentication by the Local Board the Signature of the Clerk of the Local Board shall be sufficient Authentication.

Publication in Newspapers.

**47.** Any Advertisement to be published under this Act, or any Act incorporated wholly or in part with this Act, shall be published by the Insertion thereof in a Newspaper published in the County of *Devon*, and circulating within the Parishes of *Wolborough* and *Highweek*.

Saving for general Powers of Board.

**48.** Nothing in this Act shall prejudicially affect any of the Powers, Rights, Privileges, or Authorities vested in the Local Board by the Public Health Acts or otherwise, and all such Powers, Rights, Privileges, and Authorities may be exercised and enjoyed by the Board

Board in as full and ample a Manner as if this Act had not been passed.

Expenses of Act.

**49.** The Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Local Board out of Money standing to their District Fund Account, and shall be repaid to that Account out of Money carried to the Credit of the Markets Account.

## The SCHEDULES to which the foregoing Act refers.

### THE FIRST SCHEDULE.

1. A Piece of Land with the Buildings thereon fronting the Road leading from Bridge Street, Newton Abbot, to the Newton Abbot Market, and situate between a Dwelling House in Bridge Street aforesaid (occupied by Mr. Snell) and the Bradley Inn.

2. The Bradley Inn Yard, Stables, and Outbuildings and Premises occupied therewith.

3. The Manure Stores Yard and Office occupied by Mr. Veale.

4. The Dwelling House and Coal Yard occupied by Mr. Pearse.

5. The Yard occupied by Mr. Lamble.

6. The Dwelling-Houses and other Premises in the Market Place occupied by Tucker, Northcott, Elliott, Perrem, Evans, and Wotton.

7. The Market Place and Market Buildings, all which Hereditaments are situate in Newton Abbot aforesaid.

8. Also all the Stallages, Rents, Tolls, and other Dues arising from or payable in respect of the Markets and Fairs held in the said Market Place or within the Limits of the Charter of the Owners thereof, or elsewhere, as usually levied by them, or from or in respect of the Live and Dead Stock, and other Articles, Matters, and Things, from Time to Time brought into the said Market Place, or sold or disposed of or exposed for Sale within the said Limits or elsewhere as aforesaid.

9. Also (subject to the existing Leases thereof) the Piece of Land in or adjoining to the said Market Place granted to Mr. Samuel Cull in 1832 for 99 Years, determinable on the Deaths of Three Persons then aged 19, 17, and 14, and upon which said Piece of Land or some Part thereof certain Dwelling Houses now stand, and also the Piece of Land in or adjoining the said Market Place granted to Mr. John Chudleigh in 1848 for 99 Years, determinable on the Deaths of Three Persons then aged 14, 12, and 5 Years, and upon which said Piece of Land or some Part thereof an Iron Foundry now stands.

10. Also the Roads leading to the said Market Place, and all the Right (if any) of the Owners of the said Market Place in or over the River Lemon and the Banks thereof adjoining the said Market Place, or between the said Market Place and Hero Bridge and the Soil thereof.

THE

## THE SECOND SCHEDULE.

### TOLLS.

| | £ | s. | d. |
|---|---|---|---|
| For every Pannier, Box, Barrel, or Basket exceeding in Contents 2 Cubic Feet and a Half, and containing any marketable Commodity (except Vegetables and other Articles otherwise charged) - - - - - - - - | 0 | 0 | 4 |
| For every such Pannier, Box, Barrel, or Basket under the above Size - - - - - - - - | 0 | 0 | 2 |
| For every Pannier, Box, Barrel, or Basket containing only Fruit or Vegetables (except Potatoes) - - - - - - | 0 | 0 | 2 |
| For every Bag of Potatoes of not exceeding 168 lbs. Gross Weight, and not pitched - - - - - - - | 0 | 0 | 1 |
| For every Bag of Potatoes of not exceeding 168 lbs. Gross Weight pitched in the Market Place - - - - - - | 0 | 0 | 2 |
| For every Bag or other Quantity of Potatoes exceeding 168 lbs. Gross Weight the same Toll as above for every 168 lbs. and fractional Part of any 168 lbs. - - - - | 0 | 0 | 2 |
| For every Truck or Barrow of Fruit or Vegetables - - | 0 | 0 | 3 |
| For every Cartload of Fruit or Vegetables, except Potatoes or Turnips sold from the Cart - - - - - - | 0 | 1 | 0 |
| For every 2-Horse Cartload of Vegetables or Roots, except Potatoes or Turnips - - - - - - - | 0 | 1 | 6 |
| For every Cartload of Turnips - - - - - - | 0 | 0 | 6 |
| For every 1-Horse Cartload of Hay or Straw - - - - | 0 | 0 | 6 |
| For every 2-Horse Cartload or Waggon-load of Hay or Straw - | 0 | 1 | 0 |
| For every Cart, Waggon, or Wain Load of Green Fodder for Horses or Cattle - - - - - - - - - - | 0 | 0 | 6 |
| For every Bag of not exceeding 8 Pecks of Wheat or Barley, and of not exceeding 10 Pecks of Oats exposed for Sale in Bulk - | 0 | 0 | 1 |

### STALLS.

| | | | |
|---|---|---|---|
| For every Stall, Cart, or Space for Butchers Meat not exceeding in Size 18 Superficial Feet, per Day - - - - - - | 0 | 2 | 0 |
| For every additional Superficial Foot beyond the First 18 Feet, per Day - - - - - - - - - - | 0 | 0 | 1 |
| For every Space occupied by Agricultural Grain or Seed, except Wheat, Barley, and Oats, and not exceeding 20 Superficial Feet, per Day - - - - - - - - - | 0 | 2 | 6 |
| For every additional Superficial Foot - - - - - - | 0 | 0 | 1 |

| | £ | s. | d. |
|---|---|---|---|
| For every covered Stall not exceeding in Size 12 Superficial Feet used for selling or exposing for Sale any other marketable Commodity (except Butchers Meat and other Commodities, Stalls or Spaces for which are herein otherwise specially provided for), per Day | 0 | 1 | 6 |
| For every additional Foot beyond the First 12, per Day | 0 | 0 | 1 |
| For every uncovered Stall not exceeding in Size 12 Superficial Feet used for selling or exposing for Sale any other marketable Commodity (except Butchers Meat and other Commodities, Stalls or Spaces for which are not herein otherwise specially provided for), per Day | 0 | 1 | 0 |
| For every additional Superficial Foot beyond the First 12, per Day | 0 | 0 | 0½ |
| For every Space not being a Stall occupied by Shrubs, Plants, Flowers, or Trees, or Agricultural Implements or other manufactured or unmanufactured marketable Commodity not herein charged, if not under Cover and not exceeding 12 Superficial Feet | 0 | 0 | 6 |
| For every additional Superficial Foot | 0 | 0 | 0½ |
| For every Space not being a Stall occupied by Shrubs, Plants, Flowers, or Trees, or Agricultural Implements or other manufactured or unmanufactured Commodity not herein otherwise charged, if under Cover and not exceeding 12 Superficial Feet | 0 | 1 | 0 |
| For every additional Superficial Foot | 0 | 0 | 1 |

FISH.

| | | | |
|---|---|---|---|
| For every covered Stall not exceeding 18 Superficial Feet | 0 | 1 | 6 |
| For every additional Superficial Foot | 0 | 0 | 1 |
| For every Cartload of Fish sold from the Cart | 0 | 0 | 9 |
| For every Basket, Barrel, or Hamper of Fish not exceeding in Contents 2 Cubic Feet | 0 | 0 | 2 |
| For every Basket, Barrel, Hamper, or Wheelbarrow exceeding in Contents 2 Cubic Feet | 0 | 0 | 4 |

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| | | | |
|---|---|---|---|
| For every Desk, Box, or Stall, not exceeding 30 Superficial Feet, in a Corn Exchange, per Day | 0 | 2 | 6 |
| For every Desk, Box, or Stall, not exceeding 30 Superficial Feet, in a Corn Exchange, per Year | 2 | 10 | 0 |
| For every Cart used for selling Butchers Meat in the Streets (except Wednesday), per Day | 0 | 1 | 0 |
| For every Cart used for selling Vegetables, Fruit, or Bread in the Streets (except Wednesday), per Day | 0 | 0 | 6 |
| For every Person selling, offering or exposing for Sale, any manufactured Article whatever by Hand or otherwise, and not occupying any Ground within the Market Place, per Day | 0 | 1 | 0 |

| | £ | s. | d. |
|---|---|---|---|
| For every Person selling, offering or exposing for Sale, any manufactured Articles in or from a Two-wheeled Cart, per Day - | 0 | 3 | 6 |
| For every Person selling or offering or exposing for Sale any manufactured Articles in or from a Waggon or other Vehicle, except a Two-wheeled Cart, per Day - - - - | 0 | 5 | 0 |
| For every Superficial Foot of Space occupied by a Booth, Van, Carriage, or other Construction used for a Show, Exhibition, or other Purpose, except for the Sale of Articles, per Day - - | 0 | 0 | 1½ |

CATTLE.

| | | | |
|---|---|---|---|
| For every Bull, Ox, Cow, Heifer, Steer, Sturk, or Bullock - | 0 | 0 | 3 |
| For every Horse, Mare, or Gelding, Mule or Ass - - - | 0 | 1 | 0 |
| For every Ram 12 Months old or upwards - - - | 0 | 0 | 3 |
| For every Sheep, Lamb, Goat, or Kid - - - - | 0 | 0 | 1 |
| For every Hog or Pig, except a Sucking Pig - - - | 0 | 0 | 2 |
| For every Hog or Pig beyond the First 5 belonging to the same Owner - - - - - - - | 0 | 0 | 1 |
| For every Sucking Pig - - - - - - | 0 | 0 | 1 |
| For every Calf - - - - - - - | 0 | 0 | 1 |
| For every entire Horse shown within the Market or Streets - | 0 | 2 | 0 |
| For every Cow and Calf if under a covered Shed - - | 0 | 0 | 6 |

CARCASES.

| | | | |
|---|---|---|---|
| For every Bull, Ox, Cow, Heifer, Steer, Sturk, or Bullock - | 0 | 1 | 0 |
| For every Calf - - - - - - - | 0 | 0 | 4 |
| For every Sheep - - - - - - - | 0 | 0 | 4 |
| For every Pig under 120 lbs. Weight - - - - | 0 | 0 | 3 |
| And for every 20 lbs. or fractional Part thereof above the First 120 lbs. - - - - - - - | 0 | 0 | 0½ |
| For every Sucking Pig - - - - - - | 0 | 0 | 1 |

WEIGHING AND MEASURING.

| | | | |
|---|---|---|---|
| For every Hide weighed - - - - - - | 0 | 0 | 1 |
| For every Cwt. of Tallow - - - - - | 0 | 0 | 2 |
| For every Flitch of Bacon - - - - - | 0 | 0 | 1 |
| For every Skin - - - - - - - | 0 | 0 | 1 |
| For every Sheep, Lamb, or Calf - - - - - | 0 | 0 | 1 |
| For every Hog or Pig not exceeding 2 Cwt. - - - | 0 | 0 | 2 |
| For every Hog or Pig above 2 Cwt. - - - - | 0 | 0 | 3 |
| For every Bull, Ox, Steer, Cow, or Heifer - - - | 0 | 0 | 6 |
| If weighed in Quarters, for every Quarter - - - | 0 | 0 | 2 |
| For every Cwt. of Cheese or fractional Part of a Cwt. - - | 0 | 0 | 3 |
| For all other Articles weighed, whether sold in the Market or Fair, if not more than 28 lbs. Weight - - - - | 0 | 0 | 0½ |
| If more than 28 lbs. but not more than 1 Cwt. - - - | 0 | 0 | 1 |

*The Newton Market Act*, 1868.

| | £ | s. | d. |
|---|---|---|---|
| For every additional Cwt. or Fraction of a Cwt. - - - | 0 | 0 | 1 |
| For all Things sold by Measure, for every Bushel or less Quantity | 0 | 0 | 0½ |

In computing the Amount of the above Tolls every fractional Part of a Day shall be reckoned and paid for as a Day, and every fractional Part of a Superficial Foot of Space after the First Superficial Foot shall be reckoned and paid for as an entire Superficial Foot of Space, and the said Tolls shall be payable on the Animals and Things whether the same are sold or exposed for Sale only. And the said Tolls may be levied by the Local Board on every Day of the Week except Sunday.

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