ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. cxxxviii.

An Act for the better Establishment of a Market at *Torquay* in the County of *Devon*, and for other Purposes. [30th *June* 1852.]

WHEREAS by "The *Torquay* Market Act, 1849," the *Torquay* Market Company were incorporated, and were authorized to raise a Share Capital of Seven thousand Pounds, in One thousand four hundred Shares of Five Pounds each, and to borrow not exceeding Two thousand three hundred and thirty-three Pounds, and to erect, at a Place by that Act prescribed in the Parish of *Tormoham* in the County of *Devon*, new Market Places, with all necessary Buildings and Works, Approaches and Conveniences, and to regulate the Markets within the Limits of that Act, and to provide at *Upton* in that Parish, or within a Quarter of a Mile thereof, Slaughter-houses for the slaughtering of Cattle, and to purchase, compulsorily and otherwise, Lands for the Purposes of the Undertaking, and to provide Weighing Houses and Weighing Machines, and to take Stallages, Rents, and Tolls in respect of the Market Places, and for weighing and measuring, and Provision was thereby made for prohibiting the slaughtering or dressing for Sale of Cattle in the Town of *Torquay*, except at the Slaughter-houses so provided, and other Provisions were thereby made: And whereas the Company

have not borrowed any Money: And whereas the Company have, in pursuance of and in compliance with the Provisions of the recited Act, provided Slaughter-houses at *Upton*, and the same have been duly opened and are now in use for the slaughtering of Cattle therein; but the Company have not begun to construct any Market Place, and have not purchased any Land for the Purpose thereof: And whereas it is expedient that the Company be empowered to construct a Market Place at or near *Union Street* in the Parish of *Tormoham*, instead of at the Place prescribed by the recited Act, and that the Powers and Provisions of the recited Act be in other respects enlarged or otherwise amended: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Undertaking being in force at the same Time, it is expedient that the recited Act be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued by this Act: And whereas such several Purposes cannot be effected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, as follows:

Short Title.

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Torquay* Market Act, 1852."

Commencement of Act.

II. That this Act shall commence on and after the Sixth *Wednesday* next after the passing thereof.

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 14., incorporated with this Act.

III. That the "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and the "Markets and Fairs Clauses Act, 1847," except so far as any of the Clauses and Provisions thereof respectively shall be expressly excepted or altered by any of the Provisions of this Act, shall be incorporated with this Act; and the Expression "Quarter Sessions" in those Acts shall mean, for the Purposes of this Act, the General or Quarter Sessions of the Peace for the County of *Devon*.

Interpretation of Terms.

IV. That the Expression "the Market Place" in this Act shall mean the new Market Place by this Act authorized:

The Expression "Slaughter-houses" in this Act shall include all Buildings and Places for slaughtering:

The Expression "slaughtering" in this Act shall mean the slaughtering or dressing for Sale of any Cattle.

Limits of Act.

V. That the Limits of this Act shall be the Parish of *Tormoham*.

VI. That

Recited Act repealed.

VI. That on and from the Commencement of this Act "The *Torquay* Market Act, 1849," shall be wholly repealed.

Company to continue incorporated.

VII. That, notwithstanding the Repeal of the recited Act, the Company shall, for the Purposes of this Act, remain as from the passing of that Act and continue incorporated by the Name of "The *Torquay* Market Company," and by that Name shall continue to be One Body Corporate, with a Common Seal and perpetual Succession, and with Power to purchase, take, and hold Lands and other Property, for the Purposes and within the Restrictions of this Act.

Company to remain entitled to their Property.

VIII. That, notwithstanding the Repeal of the recited Act, the Company shall remain and be seised and possessed of and entitled to all the Lands, Buildings, Estates, Monies, Property, Effects, Claims, and Demands whatsoever of or to which the Company was, by virtue of the recited Act or otherwise howsoever, immediately before the Commencement of this Act, seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act had not passed.

Directors to remain in Office.

IX. That, notwithstanding the Repeal of the recited Act, but subject to the Provisions of this Act, the Persons who immediately before the Commencement of this Act were the Directors of the Company shall continue in Office as if this Act had not passed, and shall retire from Office in the same Order of Rotation as that in which they would have retired if this Act had not passed.

Officers to continue.

X. That, notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the Authority of the recited Act, shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment, and he shall have the like Power and Authority, for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever as if he had been appointed under this Act.

Shareholders to pay Calls.

XI. That, notwithstanding the Repeal of the recited Act, the several Persons and Corporations who immediately before the Commencement of this Act were the Shareholders of the Company, their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall pay to the Company the Amount of their respective Shares, or so much thereof as at the Commencement of this Act has not been paid to the Company, with all Interest (if any) due or to accrue due thereon, and shall so pay the same when and as the same is called up

or

or otherwise demanded by the Company, according to the Provisions of this Act.

Conveyances, &c. to remain in force.

XII. That, notwithstanding the Repeal of the recited Act, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the Commencement of this Act done, entered into, executed, or instituted under or by virtue of the recited Act, or with reference to the Purposes thereof, shall be as good and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as if this Act had not passed, and may be proceeded on and enforced accordingly.

Debts due to and by Company to be paid.

XIII. That, notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement of this Act owed any Sum of Money to the Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due or to accrue due for the same, to the Company; and all Debts and Monies which immediately before the Commencement of this Act were due or owing by or recoverable from the Company, or for the Payment of which the Company was or but for this Act would have been liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Company.

Actions not to abate.

XIV. That, notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the Commencement of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect, both in favour of and against the Company, in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the recited Act committed previously to the Commencement of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not passed.

Documentary Evidence to be received.

XV. That, notwithstanding the Repeal of the recited Act, all Books and Writings which, if this Act had not passed, would have been receivable in Evidence, shall be receivable in Evidence as if this Act had not passed.

Newspaper for Advertisements.

XVI. That the Newspaper in which Advertisements and Notices for the Purposes of this Act are to be inserted shall be some Newspaper published in *Torquay*, or if none shall be there published, in One published in the County of *Devon* and circulating at *Torquay*.

XVII. That

Capital and Shares.

XVII. That the Capital of the Company and the Shares therein shall be the Capital of Seven thousand Pounds divided into the One thousand four hundred Shares of Five Pounds each which were respectively created by or under the Authority of the recited Act, and the Repeal of the recited Act shall not prejudice any Right or Interest in or to any such Share.

Calls.

XVIII. That the greatest Amount of any One Call shall be One Pound a Share, and Two Months at least shall intervene between Two successive Calls.

Power to borrow on Mortgage.

XIX. That the Company may borrow on Mortgage any Sums not exceeding in the whole One Third Part of the Capital for the Time being actually paid up, and shall not borrow any Money on Bond.

Receiver for Mortgagees.

XX. That the Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and Five hundred Pounds shall be the Amount necessary to authorize a Requisition for a Receiver.

Directors.

XXI. That the Number of the Directors shall, until the Day of holding the Ordinary Meeting of the Company held next after the Commencement of this Act, be Fourteen, and shall on and after that Day be Nine.

Power to reduce Number of Directors.

XXII. That on the Day of holding the Ordinary Meeting of the Company held next after the Commencement of this Act Eight of the then Directors shall retire from Office, and Three qualified Persons shall be elected Directors in their Place: Provided always, that the Eight Directors so to retire shall be determined by Ballot among themselves.

Quorum of Directors.

XXIII. That the Quorum for a Meeting of the Directors shall be Three.

Retirement of Directors.

XXIV. That, except as by this Act otherwise provided, Three Directors shall retire from Office yearly.

Ordinary Meetings of Company.

XXV. That there shall be One Ordinary Meeting of the Company, which shall be held in the Month of *February* in every Year.

Power to construct new Market Place.

XXVI. That, subject to the Provisions of this Act, the Company may, on the Lands described in Schedule (A.) to this Act annexed, or on any other Lands which the Company may purchase by Agreement or otherwise within One hundred Yards thereof, construct a new

Market Place, with all necessary Buildings, Approaches, Works, and Conveniences, for the Exposure and Sale of such marketable Commodities as are usually sold in Markets or Fairs, and may enter upon, purchase, take, and use such of the Lands described in that Schedule as the Company deem necessary for the Purposes of this Act.

Power to purchase Lands.

XXVII. That the Company may from Time to Time purchase by Agreement such Lands as may be requisite for the Purposes of this Act: Provided always, that the Lands to be taken or appropriated by the Company for extraordinary Purposes shall not exceed Three Acres.

Period for Completion of Works.

XXVIII. That the Market Place shall be completed within Four Years after the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given to the Company for constructing the same shall cease to be exercised, except as to such future Additions to or Enlargements or Alterations of the Market Place as may be found necessary.

Power to enlarge Market Place.

XXIX. That if at any Time the Market Place be found not sufficiently capacious for the Accommodation of the Market, the Company may from Time to Time enlarge the same; and all the Powers and Provisions of this Act, except the Powers for compulsory Purchase of Lands, shall be applicable for the Purpose of enlarging the Market Place, and for maintaining and regulating the same when enlarged.

Present Market to be removed to new Market Place.

XXX. That the Market Place shall be the only Market Place within the Parish of *Tormoham*, and when and as soon as the Market Place shall be completed and opened for public Use the present Market shall be removed to and held in and upon the Market Place: Provided always, that nothing herein contained shall be construed to confer on the Company any Claim or Right to Compensation in case of the Formation or Establishment hereafter by Authority of Parliament of any other Market Place or Market Places within the Limits aforesaid.

After Market Place opened, marketable Commodities to be sold there, except Fish, &c.

XXXI. That after the Market Place constructed under this Act is opened for public Use, every Person, other than a Person being a licensed Hawker, or selling Fish by Wholesale from any Boat or Vessel alongside of the Quay at *Torquay*, and delivering the same upon the Quay when sold, or selling Fish beyond a Distance of Twelve hundred Yards from any Part of the Quay or Harbour at *Torquay*, who shall sell or expose for Sale at any Place within the Parish of *Tormoham*, other than in the Market Place or in his own Dwelling Place or Shop, any Article in respect whereof any Stallage, Rent, or Toll is by this Act authorized to be taken in the Market Place, or for the Sale or Exposure for Sale whereof in the Market Place, any Shed,

Stall,

Stall, Station, or other Place or Convenience shall be used, occupied, appointed, or appropriated, shall for every such Offence forfeit and pay to the Company any Sum not exceeding Forty Shillings.

Fish to be sold where Harbour Master appoints.

XXXII. That the Sale of Fish by Wholesale from any Boat or Vessel alongside of the Quay at *Torquay* shall be limited to such Place or Places only as the Harbour Master for the Time being of *Torquay* shall appoint.

Fish delivered on Quay to be removed within a certain Time.

Penalty.

XXXIII. That the Person to whom any such Fish is delivered on the Quay shall forthwith remove the same therefrom; and if any such Person shall, for the Space of Two Hours after any such Fish have been so delivered, refuse or neglect so to remove the same, he shall for every such Offence forfeit and pay to the Company any Sum not exceeding Forty Shillings; and the Company may from Time to Time sell and dispose of all such Fish as shall not have been removed within the Period aforesaid.

Slaughter-houses.

XXXIV. That the Company may from Time to Time maintain and improve their existing Slaughter-houses at or near *Upton*, and provide, maintain, and improve such other Slaughter-houses on their Lands at *Upton*, or within One Quarter of a Mile thereof, as shall from Time to Time be sufficient for slaughtering for the Supply of the Parish of *Tormoham*.

Penalty for slaughtering, &c. elsewhere than at the Company's Slaughter-houses.

XXXV. That so long as the Company maintain their said Slaughter-houses, and so long as, after having published Twenty-one Days Notice of the same being ready for public Use, the Company maintain other sufficient Slaughter-houses, no Person shall slaughter or dress for Sale any Cattle at any Place within the Limits of this Act, other than in One of the Slaughter-houses provided by the Company; and if any Person, during such Time as aforesaid, shall slaughter or dress for Sale any Cattle at any Place within those Limits, other than in One of such Slaughter-houses, he shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

For preventing Nuisances with respect to Offal and Refuse.

XXXVI. That the Company may from Time to Time make and publish Byelaws and Regulations with respect to the Removal and Disposal of all the Offal and other Refuse of the Slaughter-houses within the Limits of this Act; and every Person who, after the Publication by the Company of any such Byelaw or Regulation, shall wilfully offend against the same, shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

XXXVII. That

Company may dispose of Offal and Refuse.

XXXVII. That the Company may from Time to Time sell and dispose of all such Offal and other Refuse as is not duly disposed of, according to their Byelaws and Regulations for the Time being in force.

Tolls for Market.

XXXVIII. That the Company shall from Time to Time demand and take, from any Person occupying or using any Shed, Stall, Station, or other Place or Convenience in the Market Place, or bringing into or upon the Market Place any marketable Commodity or Thing specified in the Schedule (B.) to this Act annexed, such Stallages, Rents, and Tolls as the Company from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in that Schedule.

Tolls for Slaughter-houses.

XXXIX. That the Company shall from Time to Time demand and take, from any Person slaughtering in any Slaughter-house of the Company, such Tolls as the Company from Time to Time appoint, not exceeding the Tolls specified in the Schedule (C.) to this Act annexed.

Tolls for weighing and measuring.

XL. That the Company shall from Time to Time demand and take, from any Person having any Articles sold or to be sold by Weight or Measure in the Market Place weighed or measured at any of the Weighing Houses or Weighing Places of the Company, such Tolls as the Company from Time to Time appoint, not exceeding the Tolls specified in the Schedule (D.) to this Act annexed.

Tolls for weighing Carts, &c.

XLI. That the Company shall from Time to Time demand and take from any Person having any Cart weighed at any of the Weighing Machines of the Company, such Tolls as the Company from Time to Time appoint, not exceeding the Tolls specified in Schedule (E.) to this Act annexed.

Tolls vested in Company.

XLII. That the several Stallages, Rents, and Tolls by this Act granted are by this Act vested in the Company as their own proper Monies.

Power to lease Stalls in Market, Slaughter-houses, &c.

XLIII. That the Company may from Time to Time demise and let the Market Place, and the Stalls, Stations, and other Places and Conveniences therein, or any of them, and the Slaughter-houses, Weighing Houses, Weighing Places, and Weighing Machines, or any of them, and the Stallages, Rents, or Tolls, or any of them, for any Period not exceeding Seven Years, upon such Terms as the Company and the Lessee agree on; and any such Lessee, his Executors, Administrators, and Assigns, with the Consent of the Company, may assign for the Residue of his Term the demised Premises.

XLIV. That

XLIV. That this Act or anything therein contained shall not, except so far as is by this Act expressly provided, destroy, abridge, or prejudice any Power, Authority, Right, or Privilege of the Lord of any Manor, and which he may or might have enjoyed or claimed on or before the Commencement of this Act. Saving Rights of Lords of Manors.

XLV. That this Act or anything therein contained shall not, except as by this Act expressly provided, take away, lessen, or prejudice any of the Powers, Authorities, Rights, or Privileges of the Local Board of Health for the Parish of *Tormoham*. Saving Rights of Local Board of Health.

XLVI. That this Act or anything therein contained shall not exempt the Company from the Provisions of the "Public Health Act, 1848," or of any General Act relating thereto or to the Subject Matter thereof which may pass during the present or any future Session of Parliament. Company not exempt from Provisions of 11 & 12 Vict. c. 63.

The SCHEDULES to which the foregoing Act relates.

SCHEDULE (A.)

PARISH OF TORMOHAM IN THE COUNTY OF DEVON.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Close called "Houndaway Hill" and Stream.	Sir Lawrence Vaughan Palk, Baronet. Mark Kennaway. William Kitson.	- - - -	Francis Garratt.
Yard and Outbuildings -	Ditto - -	William Luscombe -	William Luscombe.
House, Yard, and Outbuildings.	Ditto - -	Ditto - -	William Melluish.
House, Yard, and Outbuildings.	Ditto - -	Ditto - -	William Luscombe.
House, Yard, and Outbuildings.	Ditto - -	Ditto - -	William Webster. Henry Goss. Alexander Ord.
House, Yard, and Outbuildings.	Ditto - -	Thomas Pinsent -	William Whittick.
House, Yard, and Outbuildings.	Ditto - -	Isaac Baruch Toogood	Edwin Hawker.
House, Yard, and Outbuildings.	Ditto - -	Ditto - -	William Farrant.
Road - - -	The Local Board of Health of the Parish of Tormoham.		
Close called "Hoppaway Hill."	Sir Lawrence Vaughan Palk, Baronet. Mark Kennaway. William Kitson.	Francis Garratt -	Francis Garratt.
House and Garden -	Ditto - -	Ditto - -	Ann Smale.

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SCHEDULE (B.)

List of Tolls to be taken.

For every covered and uncovered Shed, Stall, Bulk, Block, Trestle, Standing-place, or Station used by any Person for exposing to Sale Flesh, Meat, Cheese, Bacon, pickled Pork, Fish, or any other live or dead Victuals, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, (except as herein otherwise specially charged,) Tolls not exceeding the following, per Day, may be taken :—

	s.	*d.*
Not exceeding Forty-five Superficial Feet - - - -	1	0
For every additional Superficial Foot - - -	0	0¼

Carts.

For every Cart used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day :—

For every One-Horse Cart-load - - - -	0	9
For every Two-Horse Cart-load - - - -	1	0
Waggons used for the like Purpose, per Day - -	1	9
For every One-Ass Cart-load - - - -	0	6
For every Two-Ass Cart-load - - - -	0	9

Butter.

For every Basket, Parcel, or Quantity of Butter not exceeding 12 lbs. Weight, per Day - - - - -	0	1½
For each additional 6 lbs. Weight, per Day - - -	0	0½

Poultry and Pigs.

For Poultry, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, and Rabbits; namely,—

Not exceeding Three Couple, per Day - - -	0	1
For each additional Three Couple, per Day - - -	0	1
For every Turkey or Goose, per Day - - -	0	1
For every Hog or Pig, per Day - - - - -	0	3
For every Sucking Pig, per Day - - - -	0	1

Eggs.

For every Basket, Parcel, or Quantity of Eggs under Two Dozen - - - - - - -	0	1
For each additional Dozen - - - -	0	0½

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads; that is to say,—

Not containing more than One Bushel - - -	0	1
Every additional Half Bushel - - - -	0	0½

SCHEDULE (C.)

Slaughter-houses.

	s.	*d.*
For every Bull, Ox, Cow, Bullock, Steer, or Heifer - -	1	0
For every Calf - - - - - -	0	6
For every Sheep or Lamb - - - - -	0	3
For every Hog or Pig - - - - - -	1	0
For other Beast - - - - - -	0	9

SCHEDULE (D.)

Weighing and Measuring.

For weighing every Piece of Meat or Thing weighing not more than 28 lbs. Avoirdupois - - - -	0	1
For weighing every Piece of Meat or Thing weighing more than 28 lbs. Avoirdupois, and not exceeding 112 lbs. -	0	2
And so in proportion for any greater or smaller Quantity than 112 lbs. Weight over and above 112 lbs. Weight.		
For measuring every Quantity of Goods and Things sold by Measure not exceeding One Bushel - - -	0	0½
For measuring every Quantity more than a Bushel and not exceeding Two Bushels - - - - -	0	1
And for every Bushel beyond Two Bushels - -	0	0½

SCHEDULE (E.)

Weighing Machines.

For weighing any Cart, Waggon, or other Carriage not exceeding One Ton - - - - - -	0	6
And so in proportion for any greater or smaller Weight than One Ton.		

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