



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. lxxxi.

An Act for maintaining and regulating the Market in
the Parish of *Sidmouth* in the County of *Devon*.

[19th July 1839.]

WHEREAS a Market for the Sale of Corn, Butchers Meat, fresh Fish, Poultry, Eggs, Butter, Vegetables, and other Commodities, Articles, and Things hath been long held within the Parish of *Sidmouth* in the County of *Devon*: And whereas *Edward Hughes Ball Hughes* Esquire claims to be the Lord of the Manor of *Sidmouth*, with the Rights, Members, and Appurtenances thereof, and to be entitled to certain Customs, Tolls, and Duties of and arising from the Markets held within the same Parish, and the said *Edward Hughes Ball Hughes* purposes to erect, at his own Expence, a commodious Market House in the said Parish, or to improve the present Market House there: And whereas it would be of great Advantage to the Inhabitants of the said Parish and the Neighbourhood thereof, and to the Frequenters of the said Market, if the same were put upon a permanent Footing, with proper Regulations and Rules for conducting and managing the same; but the same cannot be effected without the Aid and 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

[*Local.*]

25 G

the

Lord of the
Manor to
erect a new
Market, &c.

the same, That it shall be lawful for the said *Edward Hughes Ball Hughes*, his Heirs or Assigns, or the Owner of the said Market for the Time being, at his and their own Costs, Charges, and Expences, to take down, use, and appropriate the Shambles and Buildings and the present Market House at *Sidmouth* aforesaid, or any future Market House to be erected by him or them, and, at his or their own proper Costs and Charges, from Time to Time to erect and build, or cause or procure to be erected and built thereon or on the Sites thereof, or on such other Grounds belonging to the said *Edward Hughes Ball Hughes*, his Heirs or Assigns, or the Owner for the Time being of the said Market, as he or they may think proper, and of such Sort, Height, and Dimensions as he or they shall think fit, a Market House, with Shambles, Stalls, and other convenient Buildings, in lieu of the present Shambles and Market Buildings, herein-before authorized to be taken down, or to cause the same to be improved and made more convenient, and also to open and make all convenient Roads and Approaches to the said Market as may be deemed necessary; and, when and so soon as such new or improved Market House, Shambles, Stalls, and other Conveniences shall have been built and opened, the Market and Building so to be erected, and the Market Place so to be provided, shall be the only Place within which the Market for the Sale of Corn (except Corn sold by Samples), Butchers Meat, fresh Fish, Poultry, Eggs, Butter, Vegetables, or any other Commodities usually sold in public Markets, shall for the future be held and kept; and it shall not be lawful for any Person to erect or hold any other Market within the said Parish of *Sidmouth*, or to sell, or offer or expose to Sale, any Corn, Butchers Meat, fresh Fish, Poultry, Eggs, Butter, Vegetables, Fruit, Earthenware, or any other Articles, Commodities, or Things which are usually sold in public Markets, in any other Place whatsoever except in such new or improved Market, except as authorized or excepted by this Act; and if any Person shall sell or expose to Sale any Corn, Butchers Meat, fresh Fish, Poultry, Eggs, Butter, Vegetables, Fruit, Earthenware, or any other Articles or Commodities usually sold in public Markets, in any Shop, Building, or Place, or in any of the Streets, Lanes, Entries, or other public Passages or Places, other than the Place which may be appointed by the Lord of the Manor as aforesaid, or the Owner of the said Market for the Time being, (except as herein-after authorized or excepted,) every such Person shall, on Conviction before any Justice of the Peace for the said County of *Devon*, for every such Offence forfeit and pay any Sum not exceeding Five Pounds, which Penalty shall be paid and payable to the Lord of the said Manor, his Heirs or Assigns, or the Owner of the said Market for the Time being, or as he or they shall direct or appoint.

Persons not
prevented
from selling
in their
Houses or
Shops.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to hinder or prevent any Inhabitant Householdiers from selling or exposing to Sale any marketable Goods, Commodities, Articles, Matters, or Things whatsoever, in their own private Dwelling Houses, or Shops or Premises used and occupied therewith by such Inhabitant Householdiers, in any Part of the Parish of *Sidmouth*: Provided also, that any marketable Commodities may be sold in Hand-baskets or other Things carried

by any Person within the Parish of *Sidmouth*, on Payment of the Tolls specified in the Schedule of Tolls to this Act annexed, and the same Commodities may be sold in Carts, Panniers, or other Things drawn or caried by a Horse or other Animal at any Place beyond Half a Mile by the nearest usual Road from the Market Place, on the Owners of such Carts, Panniers, or other Things paying the Tolls specified in that Behalf in the said Schedule,

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

No Goods to be sold by Auction in the Streets.

IV. And be it enacted, That there shall be paid to the said Lord of the Manor, his Heirs or Assigns, or the Owner for the Time being of the said Market, or to the Person to be by him or them appointed to receive the same, by all Persons holding, using, or occupying any Building, Shed, Stall, Standing, Bulk, Tressel, Block, or other Convenience, Standing Place, or Station, for selling or offering or exposing to Sale any Butcher's Meat, or the Goods, Articles, Commodities, or Things as aforesaid, in the said Market Place, or within the Parish of *Sidmouth*, (except as herein is authorized or excepted,) the several Tolls, Duties, Rents, and Stallage not exceeding the respective Sums mentioned, expressed, or contained in the Schedule to this Act annexed.

Power to take Tolls in Market.

V. And be it enacted, That the said Lord of the Manor, his Heirs or Assigns, or the Owner for the Time being of the said Market, shall from Time to Time cause to be painted on Boards, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, upon conspicuous Places in the said Market Place, in large and legible Characters, an Account or List of the several Tolls, Duties, Rents, and Stallage which the said Lord of the Manor, his Heirs or Assigns, or the Owner for the Time being of the said Market, shall from Time to Time direct and appoint to be taken, and of the Price or Sum of Money so allowed to be taken from every Person liable to the Payment of the same or any Part thereof respectively: Provided always, that it shall not be lawful for the said Lord of the Manor, his Heirs or Assigns, or the Owner for the Time being of the said Market, (except in the Case of a wilful or malicious Removal or defacing of such Board,) to demand or take, or cause to be demanded or taken, any of the Tolls, Duties, Rents, or Stallage hereby granted, but for and during such Time as the Board so painted as aforesaid shall remain fixed and stuck up as aforesaid.

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

VI. And be it enacted, That if any Person holding, using, or in any Manner occupying any of such Buildings, Sheds, Stalls, Standings, Bulks, Tressels, Blocks, or other Conveniences, Standing Places, or Stations as aforesaid, or selling, or offering or exposing to Sale, any Butcher's Meat, or any other Goods, Commodities, Articles, or Things,

Penalty on refusing or evading Payment of Tolls.

in

in the said Market Place, or within the said Parish of *Sidmouth*, shall, upon Demand thereof made by the Agent, Collector, or other Person authorized to receive the said several Tolls, Duties, Rents, and Stallage aforesaid, neglect or refuse to pay, or shall evade the Payment of the same, or any or either of them, or any Part thereof, then and in such Case and so often as it shall happen it shall be lawful for the Agent, Collector, or other Person so authorized to receive the same, either by himself or his Assistants, to levy the same by Distress and Sale of all or any of the Goods, Articles, and Things so offered or exposed to Sale, and the Distress so taken to sell by Auction or private Contract immediately on such Distress being made, rendering the Overplus (if any there be), upon Demand, after deducting the Expences of such Distress and Sale, to the Person or Persons whose Property such Goods, Articles, or Things were at the Time of every such Distress, or otherwise to summon the Party so neglecting, refusing, or evading such Payment before some Justice of the Peace for the County of *Devon*, who is hereby authorized and directed to hear and determine such Case in a summary Way, and to order and enforce such Payment, with the Costs of such Proceedings, as he shall think fit, in like Manner as such Justice is hereby authorized to do in the Case of any Penalties or Forfeitures by this Act imposed.

Rent, Tolls,
&c. may be
made pay-
able in ad-
vance.

VII. And be it enacted, That the Rents, Tolls, and Stallage for any Shop, Stall, or Building within the said Market, and the Tolls and Dues in respect of any Hand-basket, Pannier, or Cart, which shall be let or payable by the Year, or any longer or shorter Period, may, at the Discretion of the said Lord of the Manor, his Heirs or Assigns, or the Owner for the Time being of the said Market, be payable in advance, and the Tolls, Duties, Stallage, or Sums of Money for selling or exposing for Sale, or for weighing or measuring, shall be payable on the same being demanded by the Officer or Collector appointed for that Purpose.

Tolls may be
let.

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

Stalls, &c.
may be let.

IX. And be it enacted, That it shall be lawful for the said Lord of the Manor, his Heirs or Assigns, or the Owner for the Time being of the said Market, to let all or any of the Stalls, Shops, Shambles, or other Conveniences in the said Market for the Year, or any longer or shorter Period, to such Persons as shall be desirous of taking the same, either collectively or separately, and also to let or compound for the Tolls in respect of any Hand-basket, Cart, Pannier, or other Thing
(to

(to contain marketable Commodities) by the Year or any longer or shorter Period, provided that the Rents of the same do not exceed the Sums specified in the said Schedule to this Act annexed. .

X. And be it enacted, That in case any Dispute shall arise concerning such Distress or Sale for Recovery of Tolls, as authorized by this Act, such Dispute shall be settled and determined by any Justice of the Peace having Jurisdiction within the Limits of this Act, who shall, by Warrant under his Hand and Seal, summon the Parties to appear before him, and 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 appear reasonable, and by Warrant under his Hand and Seal cause the Money to be awarded and the Costs of such Warrant to be levied by Distress and Sale of the Goods of the Party liable to pay the same, including the reasonable Charges of every such Distress and Sale.

In case of Dispute concerning Tolls.

XI. And be it enacted, That it shall be lawful for the said Lord of the Manor, his Heirs and Assigns, or the Owner for the Time being of the said Market, to erect and appoint a public Weighing and Measuring House or Place at, in, or near to the said Market Place, for weighing or measuring such Meat, Goods, Articles, or Things as shall be bought or sold by Weight, or Measure in the said Market, and to keep good and sufficient Standard Weights, Scales, Steelyards, and Measures, and to appoint the Clerk of the said Market or some other Person to attend the same as often as he or they shall think fit; and all Persons selling Meat or other Things by Weight or Measure in the same Market shall weigh and measure the same in and by the said Weights or Measures, Scales or Steelyards as aforesaid, if required by the Buyer thereof to be so weighed or measured; and in case any Person shall refuse to weigh or measure as aforesaid, he shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Power to appoint a Weighing Place and to have Weights, &c. for weighing Articles.

XII. And be it enacted, That any Person may be appointed by the said Lord of the Manor, his Heirs or Assigns, or the Owner for the Time being of the said Market, as Inspector of Provisions and of Weights and Measures in the said Market, and such Person shall and may and is hereby authorized and required to seize and publicly destroy all unwholesome Flesh Meat, Fish, or other Provisions which shall be brought in or offered for Sale in the said Market, and all false and deficient Scales, Beams, Steelyards, Weights, and Measures which shall be used or found therein; and every Person selling or exposing for Sale any such unwholesome Flesh Meat, Fish, or other Provisions as aforesaid shall, in addition to the Forfeiture thereof, for every Offence forfeit and pay by way of Penalty any Sum not exceeding Five Pounds.

Inspector to seize unwholesome Meat and false Measures.

XIII. And be it enacted, That if any Seller of Meat, Fish, or other Provisions, or any Seller of or Dealer in other Goods, Articles, or Things in the said Market, shall refuse or neglect to weigh or measure, being so required by the Buyer or Buyers thereof,

[Local]

25H

Penalty on Persons neglecting to weigh or measure or refusing to pay the Toll.

and with the said Standard or public Scales, Weights, or Measures as aforesaid, or if the Buyer or Buyers of any Meat, Fish, or other Provisions which shall be so weighed or measured as aforesaid shall refuse or neglect to pay the Toll for the same respectively, at the Rate mentioned in the Schedule to this Act annexed, the Person so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect a Sum not exceeding Ten Shillings; and the said Tolls, Sums of Money, and Penalties shall and may be recovered by Distress and Sale of the Meat, Fish, or other Provisions, Goods, Articles, and Things, of the Person so refusing or neglecting to weigh or measure the same, or of the Goods and Chattels of such Person so neglecting or refusing to pay the said Tolls as aforesaid, in like Manner as herein-before directed concerning the Recovery of Tolls to be paid in respect of the said Markets.

Preventing
Nuisances
in the Market
Places.

XIV. And be it enacted, That if any Person shall kill, slaughter, singe, scald, or dress, or cause to be killed, slaughtered, singed, scalded, or dressed any Beast, Swine, Calf, Sheep, or other Cattle in the said Market Place or within the Limits thereof, or shall wilfully, carelessly, or negligently injure, deface, or spoil any Part of the Stalls or Standings, or the Roofs, Walls, Windows, Fences, Rails, Gates, Pillars, Columns, Steps, or Pavements in or belonging to the said Market Place or any Part thereof; or shall cause, do, or commit any other Kind of Obstruction, Annoyance, or Nuisance, Damage, Injury, or Spoil in the said Market, or upon any of the Stalls, Standings, Erections, or Buildings therein; every Person so offending shall forfeit, and pay for every such Offence any Sum not exceeding Forty Shillings and shall over and above such Penalty pay such Sum or Sums of Money as the Justice or Justices before whom the Complaint of any such Act or Offence as aforesaid shall be heard shall think reasonable, by way of Satisfaction for any Damages so done by such Offender or Offenders as aforesaid.

Penalty on
Persons
injuring
Market, &c.

XV. And be it enacted, That if any Person shall wilfully destroy, deface, injure, remove, pull down, or take away the Building, Shambles, Wall, Fence, Post, Rail, or Chain, or any Shed, Stall, Standing, Block, Tressel, Hurdle, Pen, or other Erection, set up or to be set up by the Authority of the said Lord of the Manor, his Heirs or Assigns, or the Owner for the Time being of the said Market, for the Use, Purpose, or Convenience of the said Market, or any Board, Notice, or Inscription to be affixed by the like Authority in or near the Place of holding the said Market, every Person offending in any of the Cases aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power to
alter the
Market Days.

XVI. And whereas *Saturday* is now the chief Market Day at *Sidmouth*, and it may be deemed necessary to alter the same, or to appoint Two Market Days, for the greater Convenience of the Inhabitants of the said Parish; be it therefore enacted, That the said Market shall, at such Time and in such Week as the said Lord of the Manor or the Owner for the Time being of the said Market shall appoint, by Three Weeks previous Notice at least to be given in the

London Gazette and One or more of the *Exeter* or other Provincial Papers, be held on such Day or Days in that and every succeeding Week thereafter as shall be named in such Gazette, and Provincial Paper as aforesaid, and so from Time to Time as may be deemed expedient to alter and vary such chief Market Day or Days by giving such Notice as aforesaid, any Law, Statute, Charter, Prescription, Usage, or Custom whatever to the contrary thereof notwithstanding; and the Customs, Tolls, and Duties arising and issuing from the said Market, and the Sale of Corn, Meat, fresh Fish, Poultry, Butter, and other Goods, Wares, and Merchandize therein, and within the Limits of this Act, shall, notwithstanding such Alteration of the chief Market Day or Days, be paid to the said Lord of the Manor of *Sidmouth*, or the Person entitled thereto, or his Lessee, Bailiff, Collector, or received for the Time being.

XVII. And be it enacted, That it shall be lawful for the said Lord of the Manor, his Heirs and Assigns, or the Owner for the Time being of the said Market, and he and they is and are hereby authorized and empowered from Time to Time to make and establish such Bye Laws, Rules, Orders, and Regulations, for the holding, good Order and Government of the said Market, and of the several Persons resorting thereto, as to him or them in their Judgment and Discretion shall seem proper and expedient, for the common Benefit of the said Parish of *Sidmouth* and the Persons resorting to the Market thereof; and also from Time to annul, alter, or vary such Bye Laws, Rules, Orders, and Regulations, or any of them, as shall be found expedient; and likewise to fix, impose, and lay such reasonable Penalties, Fines, and Forfeitures, not exceeding the Sum of Forty Shillings for each Nonobservance or other Breach of such Bye Laws, Rules, Orders, and Regulations, or any of them, as to him or them shall appear necessary and expedient; provided always, that the said Bye Laws, Rules, Orders, and Regulations, and any Amendments thereof, shall be subject to the Approval of One of the Judges of Assize or the Justices in General or Quarter Sessions assembled; and all such Bye Laws, Rules, Orders, and Regulations, being affixed as herein-after mentioned, shall be good and binding upon and observed by all Persons, and shall be sufficient in any Court of Law or Equity to justify any Person who shall act under or in pursuance of the same; and such Penalties, Fines, and Forfeitures shall be recoverable and payable in the same Manner as is herein-after directed concerning other Penalties to be incurred by virtue of this Act; and all Persons so as aforesaid coming or resorting to the said Market are hereby required to observe and keep such Rules, Bye Laws, and Regulations, under such Penalties and Forfeitures as aforesaid; and any Justice of the Peace before whom any Person offending against any such Bye Laws, Rules, Orders, or Regulations may be brought or summoned shall have the Power of convicting for the Whole or for any Part of the Penalty imposed by such Bye Laws, Rules, Orders, or Regulations as the said Justice may in his Discretion think proper, any thing in this Act contained to the contrary thereof notwithstanding; provided nevertheless, that such Bye Laws, Rules, Orders, and Regulations be not inconsistent with the Provisions of this Act, or repugnant to the Laws of that Part of the United Kingdom called *England*.

Power to
make Bye
Laws and
Regulations
for holding
the Market.

XVIII. And

Bye Laws to
be exhibited
to view, &c.

XVIII. And be it further enacted, That all such Rules, Orders, and Bye Laws as shall from Time to Time be made for the regulating, ordering, and governing of the said Market shall be painted on a Board in legible Characters, and shall be put up or affixed in some conspicuous Part of the said Market Place, and the same shall from Time to Time be restored or altered when and so often as the same shall be obliterated or defaced, except in case of a wilful or malicious Removal, Obliterating or Defacement thereof, or any Alteration shall be made in the said Rules, Orders, and Bye Laws for the regulating, ordering, and governing of the said Market, and that no Penalty or Forfeiture shall be recoverable under the said Rules, Orders, or Bye Laws except during such Time as the same shall remain up or affixed as aforesaid, except as above excepted.

Officers may
be appointed.

XIX. And be it further enacted, That it shall be lawful for the said Lord of the Manor, or the Owner for the Time being of the said Market, from Time to Time to appoint such Clerks, Collectors, and other Persons, for the Purpose of effecting all or any of the Objects of this Act, as the said Lord of the Manor, or the Owner for the Time being of the said Market, shall think fit, and from Time to Time to remove such Clerks, Collectors, or other Persons, or any of them, when and as he or they shall think proper.

Recovery
and Applica-
tion of
Penalties.

XX. And be it enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, Order, or Regulation made in pursuance thereof, the Manner of levying and recovering whereof is not herein otherwise particularly directed, may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace for the County of *Devon*, on Complaint for that Purpose made, and afterwards be levied, as well as the Costs and Expences (if any) of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon any Witness touching or concerning such Offence, Matter, or Thing, and to hear and determine the same; and the Overplus (if any) of the Money so raised or recovered, after discharging such Fine, Penalty, or Forfeiture, the Costs of such Distress and Sale, and other the Costs and Expences aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Fines, Penalties, and Forfeitures, not directed to be otherwise applied, shall be paid, One Moiety to the Informer, and the Remainder to the said Lord of the Manor or the Owner for the Time being of the said Market; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby required, to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance at such Time as shall be appointed for the Return of such Warrant of Distress, such Time being not more than Eight Days from the taking such Security, and which Security any such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon
the

the Return of any such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Fines, Penalties, or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Fines, Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, but may, by Warrant under his Hand and Seal, commit such Offender to any Common Gaol or House of Correction in the said County, there to remain for any Time not exceeding Three Calendar Months, or until such Fine, Penalty, or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Distress, Sale, and other Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall otherwise be discharged by due Course of Law.

XXI. Provided always, and be it further enacted, That in every Case of a Prosecution for an Offence against any Rule, Order, or Bye Law which may be made in pursuance of this Act, the Production of a written or printed Paper containing such Rule, Order, or Bye Law, and authenticated by having the Signature thereto of the Judge or the Chairman of the Justices who shall have approved of the same, shall be Evidence of the Existence of such Rule, Order, or Bye Law, without adducing Proof of such Signature; and it shall be sufficient to prove that a painted Board, containing a Copy of such Rules, Orders, and Bye Laws, hath been affixed in manner aforesaid; and, in case of its being afterwards displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, according to the Provisions of this Act, unless satisfactory Evidence shall be adduced to the contrary by the Defendant in any such Prosecution.

Authenticated Bye Laws to be Evidence.

XXII. And be it enacted, That in all Cases in which by this Act any Fine, Penalty, or Forfeiture is made recoverable by Information before any Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, or any Bye Law, Rule, Order, or Regulation made in pursuance thereof, it shall be lawful for such Justice to summon before him the Person complained against, and upon Proof of the due Service of the Summons upon such Person, by delivering the same to him personally, or by leaving the same at his usual or last Place of Abode, to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Fine, Penalty, or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

XXIII. And be it enacted, That if any Person, having been summoned as a Witness to give Evidence before any Justice of the Peace touching any Complaint for any Offence against this Act, or against any Bye Law, Rule, or Order made in pursuance thereof, whether

For compelling the Attendance of Witnesses.

on the Part of a Prosecutor or of the Person complained against, (a reasonable Sum for his Costs and Charges having been tendered to him,) shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Refusal or Neglect, to be approved of by the said Justice, or appearing shall refuse to be examined on Oath or Affirmation and to give Evidence before such Justice, then and in either of the said Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For securing
Transient
Offenders.

XXIV. And be it enacted, That it shall be lawful for the said Lord of the Manor, or the Owner for the Time being of the said Market, or any Person or Persons appointed by him or them, to seize and detain any Person whose Name and Residence shall be unknown to such Person or Persons, who shall commit any Offence against this Act, and to convey him with all convenient Dispatch before some Justice of the Peace for the said County of *Devon*, without any Warrant or other Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint; and it shall not be necessary to prove to such Justice or otherwise whether or not the Person by whom or by whose Direction the Offender was seised and taken into Custody was duly appointed by the said Lord of the Manor, or the Owner for the Time being of the said Market.

Form of Con-
viction.

XXV. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the Form or to the Effect following, or as near thereto as the Circumstances of the Case will admit; that is to say,

‘ *Devon,* } BE it remembered, That on the Day of
‘ to wit. } One thousand eight hundred and
‘ is convicted before of Her Majesty’s
‘ Justices of the Peace for the County of *Devon*, of [*here specify the*
‘ *Offence or Omission, and the Time and Place when and where committed,*
‘ *as the Case may be*], contrary to an Act passed in the Year
‘ of Queen *Victoria*, intituled [*here set forth the Title of this Act*];
‘ and I [*or we*] do adjudge that the said hath
‘ forfeited for the said Offence the Sum of and also
‘ the further Sum of for Costs. Given under my
‘ Hand and Seal [*or our Hands and Seals*] the Day and Year first
‘ above written.’

Distress-not
unlawful for
Want of
Form.

XXVI. And be it enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by the Party distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Tres-

pass, or other Proceedings, if Tender of sufficient Amends shall be made, by or on behalf of the Party who shall have committed any Act, Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay such Money into Court as he shall see fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

XXVII. And be it enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person on Oath or Affirmation, it shall be lawful for such Justice and he is hereby required to administer such Oath or to take such Affirmation. Justices may administer Oaths.

XXVIII. And be it enacted, That if any Person shall find himself aggrieved by any Rule, Bye Law, or Regulation made under the Provisions of this Act, or by any Determination or Judgment made or given in pursuance thereof or of this Act, or by any other Matter or Thing to be made, given, or done by virtue or in pursuance of this Act, it shall be lawful for such Person to appeal to any General or Quarter Sessions of the Peace to be held in and for the County of *Devon* within Four Calendar Months next after the Cause of Complaint shall have arisen, which Court is hereby authorized to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to such Court shall seem meet; which Order shall be final and conclusive upon all Parties, provided that the Person so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Clerk, Collector, or other Officer for the Time being acting in pursuance of this Act, and within Three Days after such Notice shall enter into a Recognizance before some Justice of the Peace for the said County of *Devon* to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by such Sessions or any Adjournment thereof; and the Justices at such Sessions, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties, to all Intents and Purposes whatsoever. Appeal to the Quarter Sessions.

XXIX. Provided always, and be it enacted, That no Proceeding to be had touching the Conviction of any Offender against this Act, or any Order made, or any other Matter or Thing done or transacted, in or relative to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary in anywise notwithstanding. Proceedings not to be quashed for Want of Form.

XXX. And

Meaning of
certain
Words in
this Act.

XXX. And be it enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Saving
Rights of
Lord of the
Manor of
Sidmouth.

XXXI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, hinder, abridge, make void, destroy, lessen, or defeat any Right, Interest, Title, Property, Power, Privilege, Franchise, Emolument, or Authority of the Lord of the Manor of *Sidmouth* aforesaid, (except as far as are expressly herein-before provided for,) but that every Lord of the said Manor for the Time being shall and may at all Times hereafter enjoy all such Rights and Privileges (except as aforesaid) in as full, large, and beneficial a Manner, in all respects whatsoever, as he could have done in case this Act had not been made, and that at all Times hereafter the Lord of the said Manor for the Time being, and every Person who has or claims to have any Right or Interest in any of the Markets or Fairs holden within the Limits of this Act, shall respectively continue to enjoy all Right of holding such Fairs and Markets in like Manner as they were heretofore accustomed to do, and of collecting and receiving the usual Toll and other Profits belonging to such Markets and Fairs, in like Manner as they could or might have done in case this Act had not been passed.

Public Act.

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

The SCHEDULE to which the foregoing Act refers.

Table of Tolls, Rents, and Stallage.

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

The several Tolls, Rents, and Stallage before mentioned and specified to be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Sitting Bench, Compartment, or Space of Ground, are to be so payable and paid for each and every Market and other Day, 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.

[Local.]

[25 K]

Tolls

Tolls for Weighing and Measuring.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1839.