



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

Cap. cxxii.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act for removing the Markets held in the *High* and *Fore Street* and other Places within the City of *Exeter*, and for providing other Markets in lieu thereof.

[4th August 1840.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for removing the Markets held in the High and Fore Street and other Places within the City of Exeter, and for providing other Markets in lieu thereof,* 4 & 5 W. 4. c. 8. it was enacted, that the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, and their Successors, should and they were thereby required to open and establish a Market in the said City, with proper and sufficient Edifices, Offices, Buildings, Stalls, Standings, and other Conveniences, for the Sale of Pork and Butchers Meat, Wheat, Oats, Barley, Seed, and Grain of all Sorts, Wool and Leather, and which said Market should be called "The Lower Market," and also to open and establish another Market in the said City, with proper and sufficient Edifices, Offices, Buildings, Stalls, Standings, and other Conveniences, for the Sale of Fish, Pork (such Pork not belonging to any Butcher by Trade, and brought

[Local.] 33 M

brought in Joints in Panniers, to be sold with other Provisions), and also Poultry, Eggs, Butter, Potatoes, Vegetables, Fruit, Garden-stuff, Roots, and all or any such Goods, Wares, Merchandize, Articles, and all other Things as are usually sold in public Markets (other than and except the Provisions and Things appropriated for Sale in the said first-mentioned Market), which said other Market should be called "The Higher Market;" and also to make convenient Avenues and Approaches leading to the said respective Markets: And whereas, in execution of the Powers of the said recited Act, Two Markets, called respectively the Higher Market and the Lower Market, have been opened for the Sale of the several Articles by the said Act appropriated to be sold therein respectively: And whereas it is desirable that the said Higher and Lower Markets should be made general Markets (except as herein-after mentioned), and that the Mayor, Aldermen, and Burgesses of the City and Borough of *Exeter* should have Power to raise a further Sum of Money, for the Purpose of satisfying the Debts remaining due for the Erection of the said Markets, and carrying the Purposes of the said recited Act into execution, and that the Powers of the said recited Act should be amended, and the Tolls thereby granted, varied, and altered; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Regulations, Directions, Privileges, Penalties, Forfeitures, Clauses, Restrictions, Savings, and Reservations, Matters and Things whatsoever, contained in the said recited Act, so far as the same were in force at the passing of this Act, and except so far as the same are not expressly altered or repealed by this Act, shall extend and be construed to extend and operate and be in force with respect to all Matters and Things whatsoever which may happen or arise in the Execution of this Act, as fully and effectually, to all Intents and Purposes, as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be construed as One Act.

Former Act
and this Act
to be con-
strued as One
Act.

Repealing so
much of Act
as requires
certain
Things to be
exposed in
each Market.

II. And be it further enacted, That so much of the said recited Act as provides for the Sale of particular Commodities, Merchandize, and Articles in the said Higher and Lower Markets respectively shall be and the same is hereby repealed, and that each of the said Markets shall be a general Market for the Sale of all Kinds of Carcase Meat, Flesh, and other raw Victuals, Fish, live and dead Poultry, Pigeons, Eggs, Butter, Herbs, Roots, Vegetables, Fruit, and all or any such other Goods, Wares, Merchandize, Commodities, Articles, and Things as are usually sold in public Markets (except Wheat, Oats, Barley, Seed, and Grain of all Sorts, Wool, and Leather, which shall be sold exclusively in the said Lower Market, and except Fish, which shall be sold exclusively in the said Higher Market); and that it shall and may be lawful to and for the said Mayor, Aldermen, and Burgesses, by and out of the Monies to be

raised

raised and levied by the Authority of the said Act and of this Act, to make such Alterations in the said Higher and Lower Markets respectively, or either of them, as shall be necessary to make the same convenient for Use as Two general Markets as aforesaid.

III. And be it further enacted, That if any Person or Persons shall at any Time sell, or offer or expose to Sale, any Carcase Meat, Flesh, or other raw Victuals, Fish, live or dead Poultry, Pigeons, Eggs, Butter, Herbs, Roots, Vegetables, or Fruit in any other Place within the City and County of the City of *Exeter* than the said Higher or Lower Market, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants of the City and County of the City of *Exeter* from selling any such Carcase Meat, Flesh, or other raw Victuals, Fish, live or dead Poultry, Pigeons, Eggs, Butter, Herbs, Roots, Vegetables, or Fruit, in their respective Houses, Shops, and Premises within the said City and County: Provided also, that nothing herein contained shall restrain or prohibit any Person or Persons from crying Fish, Poultry, Pigeons, Eggs, Butter, Herbs, Roots, Vegetables, or Fruit through the said City and County, or from selling the same from Door to Door within the said City and County, provided such Fish, Poultry, Pigeons, Eggs, Butter, Herbs, Roots, Vegetables, and Fruit shall have paid the regular Market Tolls or Duties authorized to be taken, and mentioned in the Schedule to this Act annexed.

No Person to sell any Goods in any other Place than the Markets;

except at their own Houses.

Proviso for Persons selling from Door to Door.

IV. And be it further enacted, That when and so soon as the said Market Places shall be appropriated and made ready to be used as general Markets in the Manner herein-before mentioned, and which shall be at the same Time, as near as may be, the said Mayor, Aldermen, and Burgesses shall and they are hereby required, by printed Handbills or Advertisements, to be circulated in the said City and Neighbourhood of the said City of such Market Places having been so appropriated and made ready, to give One Calendar Month's Notice previous to the Day on which such Market Places shall be open as general Markets, and to publish the same in One at least of the Newspapers printed and published in the said City.

When Markets made ready as general Markets, Notice to be given.

V. And be it enacted, That from and after the opening of the said Markets as general Markets in the Manner herein-before provided, the several Rents, Tolls, Stallage, Sum and Sums of Money authorized by the said recited Act to be taken, and mentioned in the Third and Fourth Schedules thereto respectively, shall cease and be no longer paid; and that it shall and may be lawful for the said Mayor, Aldermen, and Burgesses to hold and keep each of the said Markets for the Sale of Carcase Meat, Flesh, and other raw Victuals, Fish, live and dead Poultry, Pigeons, Eggs, Butter, Herbs, Roots, Vegetables, Fruit, and all other Kinds of Goods, Wares, Merchandize, Commodities, Articles, and Things usually sold in public Markets, under and subject to such Rules and Regulations as are in and by the said recited Act and this Act authorized to be made and

After the opening of the said Markets as general Markets, the present Tolls to cease and new Tolls to be taken.

3^o & 4^o VICTORIÆ, Cap. cxxii.

and established, and also, by themselves and their Collectors or Servants, to ask, demand, recover, receive, and take, of and from all and every Person and Persons exposing or offering for Sale or selling in the Markets aforesaid any Sort of Carcase Meat, Flesh, and other raw Victuals, Fish, live and dead Poultry, Pigeons, Eggs, Butter, Herbs, Roots, Vegetables, Fruit, Wheat, Oats, Barley, Seed, and other Grain of all Sorts, Hay, Straw, Grass, Wool, or Leather, and all other Kinds of Goods, Wares, Merchandize, Commodities, Articles, and Things usually sold in public Markets, or who shall rent, hire, or use any Stall or Standing Place in the said Markets, and also to demand, collect, and receive in any other Part of the said City and County the several Tolls specifically made payable in and by the Schedule to this Act annexed, and not hereby directed to be payable in the said Market, the several Rents, Stallage, Tolls, and Sum or Sums of Money which shall at any Time or from Time to Time be fixed and appointed by the said Mayor, Aldermen, and Burgesses to be paid for the same, not exceeding the several Rents, Stallage, Tolls, or Sum or Sums of Money mentioned and specified in the Schedule to this Act annexed; and such Markets shall be free and open Markets to all Persons whomsoever, subject to the Regulations and Restrictions herein and in the said recited Act contained.

Mortgagees to be entitled to the Security of new Tolls.

VI. And be it further enacted, That the several Mortgagees of the Tolls, Stallage, Rents, and Duties mentioned in the said recited Act, and hereby abolished, shall be deemed Mortgagees of the Tolls, Stallage, Rents, and Duties hereby established in lieu of the Tolls, Stallage, Rents, and Duties hereby abolished, and shall, for and in respect of their several Mortgage Debts, have the like Rights, Powers, and Remedies under this Act as they have or had under the said recited Act, except as expressly altered by this Act.

Wheat, Grain, &c. brought within Half a Mile of the City and County of Exeter on Market Days, and exposed for Sale, to be liable to Tolls.

VII. And be it further enacted, That all Wheat, Oats, Barley, Seed, or Grain of any Sort, Hay, Straw, Grass, Reed, Vetches, Clover, and other Fodder, Wool, and Leather or any other Kind of Goods, Articles, and Things whatsoever brought within Half a Mile of the City and County of Exeter for Sale on Market Days, not the Property of or belonging to Persons residing within that District, and left pitched or deposited without the Limits of the said City and County, shall, if *bond fide* sold or exposed for Sale on such Market Days within the said City and County, be deemed to be the several Tolls mentioned in the Schedule to this Act annexed: Provided also, that no Toll shall be payable in respect of any Wheat, Oats, Barley, Seed, and Grain of any Sort, Hay, Straw, Grass, Reed, Vetches, Clover, and other Fodder, Wool, and Leather, or any other Kinds of Goods, Articles, and Things whatsoever sold by Sample, the Bulk whereof shall not have been brought into the said City or County, or within Half a Mile of the said City or County as aforesaid, at the Time of Sale, whether such Sale by Sample be effected on Market or any other Days of the Week.

Mode of proceeding against Per-

VIII. And be it further enacted, That in case any Person or Persons holding or using or in any Manner occupying any of the said

said Buildings, or any Shed, Stall, Standing, Bulk, Tressels, Block, or other Convenience in the said Market Places or either of them, or who shall bring, place, or expose for Sale within any Part of either of the said Markets, or within any Parts of the said City and County, any Merchandize, Commodities, Goods, Articles, or Things whatsoever, for or in respect of which any Toll or Stallage is by this Act made payable, and may be demanded or taken, shall, upon Demand thereof made by the Collector, Farmer, or other Person authorized to receive the said several Sums, Tolls, or Stallage, neglect or refuse to pay, or shall wilfully evade or attempt to evade the Payment of the several Sums, Tolls, or Stallage due in respect thereof by virtue of this Act, or in case any Dispute shall happen about the Amount of the Sums, Tolls, or Stallage due, it shall be lawful for the said Collector, Farmer, or other Person or Persons authorized and appointed to collect and receive the said Sums, Tolls, and Stallage, either by himself or his Assistants, to seize and detain any Article, Matter, or Thing in respect of which the said several Sums, Tolls, or Stallage shall be claimed; and in case such Article, Matter, or Thing shall have been removed or cannot be found, to seize and detain any other Article, Matter, or Thing belonging to the Person or Persons from whom such Sums, Tolls, or Stallage are due or claimed to be due, until the Amount of the Sums, Tolls, and Stallage due, and the Charges of keeping such Article, Matter, or Thing, shall be ascertained by any Two Justices of the Peace for the said City and County, not being Creditors upon the Security of the said Tolls, who, upon Application made to them for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justices are hereby authorized to administer), and shall determine the Amount of the Sums, Tolls, and Stallage due, and the Charges of keeping the said Distress, and shall award such Costs and Charges to either Party as to the said Justices shall appear right and proper, all which Sums, Tolls, and Stallage, Costs and Charges, shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices, rendering the Overplus (if any), on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be distrained and sold.

sons refusing
to pay the
Tolls.

IX. Provided always, and be it further enacted, That in case any Person or Persons holding or using or in any Manner occupying any of the said Buildings, Sheds, Stalls, Standings, Bulks, Tressels, Blocks, or other Conveniences in the said Market Places or either of them, or who shall bring, place, or expose for Sale within the said City and County, or within any Part of either of the said Markets, any Merchandize, Commodities, Goods, Articles, or Things whatsoever for or in respect of which any Toll or Stallage may be demanded or taken, shall, upon Demand thereof made by the said Collector, Farmer, or other Person as aforesaid, neglect or refuse to pay, or shall wilfully evade or attempt to evade the Payment of the several Sums, Tolls, or Stallage due in respect thereof by virtue of this Act, or in case any Dispute shall arise about the Amount of the

If Parties
neglect to
pay Tolls,
and no Goods
are found
whereon to
distrain they
may be sum-
moned before
Two Justices.

Tolls or Stallage due, and also in case no Goods or no sufficient Goods of such Person or Persons so neglecting or refusing to pay or wilfully evading or attempting to evade the Payment of the said several Sums, Tolls, or Stallage, or with whom any Dispute shall arise about the Amount of the Sums, Tolls, or Stallage due, shall be found and can be taken by the said Collector, Farmer, or other Person as aforesaid, under the Power for that Purpose herein-before contained, it shall and may be lawful in any or either of the said Cases for any such Justices of the Peace as aforesaid to summon the Parties to appear before them, and to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Damages and Costs to either Party, as to them shall seem proper, and by Warrant under their Hands and Seals to cause the Damages and Costs which shall be so awarded, and also the Costs of such Warrant, to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of the Goods and Chattels so to be sold, after deducting the reasonable Charges of every such Distress and Sale.

No Distress to be taken if Amount of Toll demanded shall be deposited.

X. And be it further enacted, That no Distress shall be taken for any Tolls or Stallage established by this Act, provided the Person or Persons from whom such Toll or Stallage shall be demanded shall deposit the Amount of the Toll or Stallage demanded with or at the Office of the Town Clerk of the said City for the Time being, to abide the Judgment of any Two Justices of the Peace of the said City and County of the City of *Exeter*, as to the Liability of such Person or Persons to pay the Toll or Stallage demanded; and in case the Lessee, Farmer, or Collector of the said Tolls or Stallage shall not, within Ten Days after such Deposit made, proceed by Summons to obtain the Judgment of such Justices of the Peace upon the Liability of the Party or Parties from whom the Toll or Stallage shall have been claimed to pay such Toll or Stallage, then the Deposit shall be returned to the Party or Parties making the same, without Expence.

Delivery to be *primâ facie* Evidence of Sale.

XI. And be it further enacted, That the Delivery of any Goods, Wares, Commodities, Articles, or Things hereby made chargeable with or liable to the Payment of any Toll upon the Sale thereof shall in all Cases be *primâ facie* Evidence of the Sale thereof; and in case any Dispute shall arise between the Farmer, Lessee, or Collector of the said Tolls, and any Person from whom any Toll made payable by this Act shall be claimed, the Justices by whom the same shall be determined may award Costs to be paid by the unsuccessful Party, which Costs shall be in the Discretion of the said Justices, and be recovered in the same Manner as any Tolls or Penalties are by this Act directed to be recoverable.

General Markets on not more than Two Days in each Week.

XII. And be it further enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses to hold general Markets in the said City of *Exeter* on more than Two Days in each Week, besides the Days of the several Fairs holden in the said City and County.

XIII. And

XIII. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Burgesses, and their Successors, from Time to Time, by Writing under their Common Seal, to lease or demise the Tolls arising from the said Markets, or either of them, to any Person or Persons who shall be willing to take and farm the same for any Term not exceeding Three Years, or for any shorter Period, or from Year to Year, but for the best and most improved Rent that can reasonably be obtained for the same, and by public Auction only, and under such Covenants, Provisoos, and Agreements as the said Mayor, Aldermen, and Burgesses, and their Successors, shall from Time to Time think expedient and fit, and to take such Securities for the Payment of the Rent and Performance of the Covenants as they the said Mayor, Aldermen, and Burgesses, and their Successors, shall think sufficient, and that the Rent or Money so to be paid for the said Tolls shall be applied and disposed of for and towards the Purposes of the said former Act and this Act, in the Manner in the said former Act and this Act directed; and the Person or Persons renting such Tolls shall have all the same Powers and Authorities for enforcing the Payment thereof which are by the said recited Act or this Act vested in the said Mayor, Aldermen, and Burgesses, and their Successors: Provided always, that it shall be lawful for the said Mayor, Aldermen, and Burgesses, and their Successors, to demise and lease the *Corn Exchange Tavern* and Premises and the Shop in the *Fore Street* of the City of *Exeter*, and a Dwelling House in *Milk Street* in the said City, all adjoining the said Lower Market, and also the Cellars at the said Higher and Lower Markets respectively, or either of them, or any Part thereof, for such Terms of Years respectively, not exceeding Fourteen Years, and upon such Conditions, and either by public Auction or by private Contract, as the said Mayor, Aldermen, and Burgesses, and their Successors, shall think proper.

Power to let
the Tolls.

XIV. And be it further enacted, That no Person or Persons shall keep or use any Stall, Standing, or Shamble fronting to or in any Street within the said City and County for the Purpose of selling or exposing to Sale any Butchers Meat; and if any Person or Persons shall offend in any of the Cases aforesaid, such Person and Persons shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence: Provided always, that nothing herein contained shall extend to prevent any Butchers from exposing to Sale any Meat in their own respective Dwelling Houses, Shops, and Premises in which they shall usually carry on Business.

For regulat-
ing Butchers
Shops.

XV. And for the Purpose of preventing the Collection and Removal of Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth by any others than the authorized Scavengers, be it further enacted, That no Person or Persons shall collect, take, or carry away, or cause to be collected, taken, or carried away, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth out of the said Markets or either of them, or out of or from any Avenue or Approach leading to the said Markets or either of them, except the Person and Persons who for the Time being shall be the Scavenger or Scavengers appointed by the said Mayor, Aldermen, and Burgesses, or their Successors, or by the

For prevent-
ing the Re-
moval of
Filth, &c, by
unauthorized
Persons.

the *Exeter* Improvement Commissioners, upon pain of forfeiting and paying any Sum not exceeding Forty Shillings for every such Offence.

Power to borrow a further Sum of 40,000*l.*

XVI. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses to raise and borrow any Sum or Sums of Money not exceeding in the whole Forty thousand Pounds by Mortgage of the Tolls of the said Markets in the same Manner and Form, and by the same Ways and Means, as in the said recited Act is directed, in addition to the Sums already raised by Mortgage under the Powers of the said recited Act; and such Mortgages may be assigned and transferrred in the same Manner and Form, and by the same Ways and Means, as in the said recited Act is directed.

Application of the Money to be raised.

XVII. And be it further enacted, That all Money which shall be raised and borrowed on Mortgage of the Tolls of the said Markets by virtue of this Act, pursuant to the Powers herein-before contained and referred to, shall be paid and applied by the said Mayor, Aldermen, and Burgesses, and their Successors, in the first place, in paying and defraying the Costs, Charges, and Expences attending the Application for, obtaining, and passing this Act, and in the next place in paying and defraying so much and such Part and Parts of the Costs, Charges, and Expences which shall remain due and unsatisfied of and attending the Purchase and Conveyance of such Messuages, Lands, Tenements, Houses, and Hereditaments as have been purchased by the said Mayor, Bailiffs, and Commonalty, and the said Mayor, Aldermen, and Burgesses, or either of them, under the Provisions of the said recited Act, and in the Payment of such Sums awarded or agreed to be paid as or by way of Compensation to any Person or Persons, Bodies Politic or Corporate, under the Provisions of the said recited Act, as still remain unpaid and unsatisfied, and also so much and such Part and Parts of the Costs, Charges, and Expences which still remain due and unsatisfied of erecting, building, and completing, repairing, maintaining, and keeping in repair, the Market Places and other Buildings and Conveniences directed by the said recited Act to be erected and made, and of making such Alterations in the said Markets as are herein-before authorized, and all other Costs, Charges, and Expences of and attending the carrying the several Purposes of the said recited Act into full and complete Execution, and relating thereto, together with Interest on such several Sums respectively, and afterwards in paying the annual Sum of One thousand Pounds authorized by the said recited Act to be retained by the said Mayor, Bailiffs, and Commonalty, and their Successors, together with the Arrears of such annual Sum up to the Twenty-fourth Day of *June* One thousand eight hundred and forty, and all Interest due to the present Mortgagees of the Tolls, Stallage, Rents, and Duties under the said recited Act, up to the Twenty-fourth Day of *June* One thousand eight hundred and forty, *pari passu*, and without any Preference or Priority in Payment of the said annual Sum of One thousand Pounds, or of the Arrears thereof, to the said Mayor, Aldermen, and Burgesses.

XVIII. And

XVIII. And be it further enacted, That the Interest of all Money which shall be raised and borrowed on Mortgage under the Authority of the Power lastly herein-before contained shall be paid by the said Mayor, Aldermen, and Burgesses, and their Successors, out of the Rents, Stallage, Tolls, and Duties to arise and be received under and by virtue of this Act, in preference and priority to all other Payments whatsoever, except only the Costs and Expences attending the Application for, soliciting, obtaining, and passing this Act, the Rates and Taxes (if any) lawfully payable in respect of the said Markets, and the Rents and Profits thereof, the Expences of keeping the said Markets in repair, and insured against Loss or Damage by Fire, and the Costs and Charges of lighting, cleansing, and managing the same, and that after such Payments the said Rents, Stallage, Tolls, and Duties shall be paid and applied in the Order and Manner and for the Purposes directed by this Act and by the said recited Act.

Interest of Money raised to have Priority.

XIX. And be it further enacted, That from and after the Twenty-fourth Day of *June* One thousand eight hundred and forty the said Mayor, Aldermen, and Burgesses shall abate and relinquish the Sum of Two hundred Pounds *per Annum* out of the Sum of One thousand Pounds *per Annum* which they are authorized to take credit for in and by the said recited Act and this Act, until the Tolls, Stallage, Rents, and Duties hereby established shall, after Payment of all prior Charges thereon, be sufficient to pay to the present Mortgagees of the Tolls, Stallage, Rents, and Duties hereby abolished Interest at the Rate of Three Pounds *per Centum per Annum* upon their respective Mortgage Debts, and so from Time to Time when and as often as the said Tolls, Stallage, Rents, and Duties hereby established shall be insufficient to pay all the several prior Charges thereon and Interest to the said Mortgagees upon their respective Debts at the Rate of Three Pounds *per Centum per Annum*.

Until existing Creditors are paid 3*l.* per Cent. Council to abate 200*l.* per Annum out of the 1,000*l.* authorized to be retained by them by the recited Act.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses, or their Successors, to demand or receive any Compensation or Allowance for the Piece of Land extending by the Side of and from a Dwelling House now occupied by *Whippell* in the *High Street* in the said City of *Exeter*, to the present Fish Market in the said City of *Exeter*; and that the said Piece of Land shall be deemed and taken as purchased for the Purposes of the said recited Act, freed and discharged of and from all Claim or Demand of the said Mayor, Aldermen, and Burgesses for or upon any Account whatsoever.

Land on Site of old Fish Market to be deemed Market Property.

XXI. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rule, Order, or Bye Law, or by any Determination or Judgment, or any other Matter or Thing to be made, given, or done by virtue or in pursuance of the said recited Act or this Act, such Person or Persons, Body or Bodies Politic or Corporate, shall or may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the County of *Devon* within Four Calendar Months next after the Cause of Complaint shall have

Appeal.

arisen, such Appellant having given or caused to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk for the Time being acting in pursuance of this Act, and within Four Days next after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said County of *Devon*, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General or Quarter Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter in a summary Way, and shall or may mitigate any Fine or Penalty or Forfeiture, and may order any Money to be returned which shall have been paid or levied in pursuance of any such Rule, Order, Bye Law, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their General or Quarter Sessions shall be binding and conclusive.

Power of taking Tolls to extend to St. Sidwell's.

XXII. And be it further enacted, That nothing in the said former Act contained shall extend or be construed to extend to prevent the said Mayor, Aldermen, and Burgesses, and their Successors, from taking, levying, and collecting the said several Tolls hereby established, as well within the Parish, Manor, and Fee of *Saint Sidwell* in the County of the City of *Exeter* as in all other Parishes and Places within the said City and County.

Repealing Clause in recited Act respecting Limitation of Actions.

XXIII. And be it further enacted, That so much of the said recited Act as enacts that no Action or Suit should be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of the said recited Act, or in the Execution or supposed Execution of the Powers and Authorities herein-before given, until Ten Days Notice in Writing of such intended Action or Suit, and the Cause thereof, should have been given to the Clerk for the Time being acting in pursuance of the said recited Act, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, nor after the Expiration of Six Calendar Months from the Time when such Cause of Action or Suit should have arisen, or, in case of any consequential Damage upon any Cause of Action, within Six Calendar Months after such Damage should have been discontinued or should cease, nor after Tender of reasonable Amends should have been made to the Party or Parties aggrieved, by or on behalf of the Defendant or Defendants in such Action or Suit; and every such Action or Suit should be laid, brought, and tried in the County where the Cause of Action should have arisen, and not elsewhere; and that the Defendant or Defendants in every such Action and Suit should and might plead the General Issue, and give the said Act and the special Matter in Evidence, on any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit should be brought was done or omitted in pursuance of and by the Authority of the said Act; and if such Matter or Thing should appear to have been so done or omitted, or

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if

if it should appear that such Action or Suit was brought before the Expiration of Ten Days from the Delivery of such Notice as aforesaid, or after the Time herein-before limited for bringing the same, or Tender of reasonable Amends as aforesaid, or if such Action or Suit should be brought in any other County or Place than as aforesaid, then the Jury should find for the Defendant or Defendants; and upon such Verdict, and if the Plaintiff or Plaintiffs should become nonsuited, or should discontinue his, her, or their Action or Suit after the Defendant or Defendants should have appeared, or if upon Demurrer Judgment should be given against the Plaintiff or Plaintiffs, the Defendant or Defendants should and might recover his, her, or their Costs, and should have such Remedy for the same as any Defendant or Defendants had in other Cases by Law, shall be and the same is hereby repealed: Provided always, that nothing in this Act contained shall prejudice or affect any Action, Suit, Information, or other Proceeding now existing or depending between the said Mayor, Aldermen, and Burgesses, and any Company or Person or Persons whomsoever, or shall revive any Right which under the Provision lastly hereby repealed may have been barred prior to the passing of this Act.

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

The SCHEDULE referred to by the foregoing Act.

RENTS, TOLLS, AND STALLAGE.

	£	s.	d.
For every enclosed covered Fish Shop, not to contain less than Eight Feet Square Inside Measure, to be rented by the Year, any Sum not exceeding - - - - -	30	0	0
For every Fish Stall used in the Market for every Market, or other Day any Sum not exceeding - - - - -	0	2	0
For every Waggon, Cart, or other Vehicle containing Fish brought into the City or County of the City of Exeter, and hawked in the Street for Sale, any Sum not exceeding -	0	1	0
For every Horse Load of Fish brought into the City or County of the City of Exeter, and exposed in the Market by any Person not renting a Stall, or hawked in the Street for Sale, any Sum not exceeding - - - - -	0	0	6
For every Mule or Ass Load of Fish brought into the City or County of the City of Exeter, and exposed in the Market by any Person not renting a Stall, or hawked in the Street for Sale, any Sum not exceeding - - - - -	0	0	3
For every Hamper, Pannier, or other Thing containing Fish brought into the City or County of the City of Exeter, and exposed in the Market by any Person not renting a Stall, or hawked in the Street for Sale, any Sum not exceeding -	0	0	2
For every enclosed covered Butchers Stall filled up with Racks and Hooks, to be occupied by Butchers not residing within the said City or County of the said City, any Sum not exceeding the yearly Rent or Sum of - - - - -	30	0	0
For every enclosed covered Butchers Stall fitted up with Racks and Hooks, to be occupied by Butchers residing within the said City and County of the said City, and to be occupied every Day in the Week, any Sum not exceeding the yearly Rent or Sum of - - - - -	30	0	0
For every Stand, Stall, or Bench for the Sale of Meat, not exceeding Twenty-six Superficial Feet which such Stand, Stall, or Bench shall measure on the Surface thereof, for each Market Day any Sum not exceeding - - - - -	0	2	6
For every other Day in the Week any Sum not exceeding -	0	1	6
For every additional Superficial Foot - - - - -	0	0	1
For the Carcase of every Pig exposed for Sale in either of the said Markets by any Person not occupying a Stall in one of the said Markets, if such Pig shall not weigh more than Five Score of Twenty Pounds to the Score, any Sum not exceeding -	0	0	3
For every additional Twenty Pounds Weight, any Sum not exceeding - - - - -	0	0	0½
For every sucking Pig, any Sum not exceeding - - - - -	0	0	0½
For each and every Foot in Length of any Stand, Stall, or Bench occupied by any One Person for exposing to Sale Poultry, Bacon, Butter, Eggs, or any other Article of Provision usually			

	£	s.	d.
sold in Poultry Markets, except Vegetables or Fruit only, for any Day in the Week, any Sum not exceeding - -	0	0	3
And so in proportion for every Part of a Foot in Length.			
For each and every Foot in Length occupied by any Person for exposing to Sale Vegetables or Fruit only, for each Market Day in the Week, any Sum not exceeding - - -	0	0	1½
And so in proportion for any Part of a Foot in Length.			
For any other Day in the Week, any Sum not exceeding -	0	0	1
For every Waggon, Cart, or other Vehicle containing Bacon, Cheese, Poultry, Butter, Eggs, wild Fowl, or Game not previously contracted for or purchased, and brought into the City or County of the City of Exeter for Sale, and sold or hawked for Sale in any Part of the said City or County, any Sum not exceeding - - - - -	0	1	0
For every Horse, Mule, or Ass Load of any of the last-mentioned Articles not previously contracted for or purchased, and brought into the City or County of the City of Exeter for Sale, and sold or hawked for Sale in any Part of the said City and County, any Sum not exceeding - - - - -	0	0	6
For every Cart or other Vehicle containing Pork or Butchers Meat, hawked for Sale in the said City and County, any Sum not exceeding - - - - -	0	1	0
For every Handbasket, Hamper, Pannier, or other Thing containing Poultry, Butter, Eggs, or any other Article of Provisions, except Vegetables and Fruit, brought into the City or County of the City of Exeter, and exposed in either of the said Markets for Sale by any Person not occupying any Part of any Stand, Stall, or Bench therein, or hawked in the Street for Sale, the Size or Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Twelve Inches in Depth, for each Market or other Day in the Week, any Sum not exceeding - - - - -	0	0	3
For every Handbasket, Hamper, Pannier, or other Thing containing Vegetables or Fruit only brought into the City or County of the City of Exeter, and exposed in either of the said Markets for Sale by any Person not occupying any Part of any Stand, Stall, or Bench therein, or hawked in the Street for Sale, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Twelve Inches in Depth, for each Market or other Day in the Week, any Sum not exceeding - - - - -	0	0	1½
If any Handbasket, Hamper, Pannier, or other Thing shall exceed in Depth the Number of Inches herein-before respectively limited, for every additional Inch in Depth thereof, any Sum not exceeding - - - - -	0	0	0¼
For every Bag of Potatoes not weighing more than Two hundred and twenty Pounds, pitched in the Market, any Sum not exceeding - - - - -	0	0	2
And so in proportion for a greater Weight.			
For every Bag of Carrots, Parsnips, and other Roots, except Potatoes and Turnips, and for every Bag of Peas, Beans, and other Vegetables not containing more than Ten Pecks Imperial Measure, pitched in the Market, any Sum not exceeding -	0	0	2
And so in proportion for a greater Weight.			
For every Bag of Turnips not containing more than Ten Pecks Imperial Measure, pitched in the Market, any Sum not exceeding - - - - -	0	0	1½
And so in proportion for a greater Weight.			

	£	s.	d.
For every Bag of Potatoes, Carrots, Parsnips, Turnips, Peas, Beans, or other Roots or Vegetables of any Kind brought within the said City or County of the said City for the Purpose of Sale, but not pitched in the Market, any Sum not exceeding -	0	0	1
For every Horse Load of Potatoes, Carrots, Parsnips, Turnips, Peas, Beans, or other Roots or Vegetables of any Kind brought into the said City or County of the said City for Sale, but not pitched in the Market, any Sum not exceeding -	0	0	2
For every Cart containing any of the said Articles brought into the said City or County of the said City for Sale, any Sum not exceeding -	0	0	6
For every Wheelbarrow containing any of the said Articles brought into the said City or County of the said City for Sale, any Sum not exceeding -	0	0	1
For every Superficial Foot of uncovered Ground used or occupied by any Person or Persons offering for Sale or selling Cabbage or other Plants of any Kind, Apple Trees or other Trees of any Kind, or Shrubs of any Kind, or for other Purposes not before specified, for each Market Day, any Sum not exceeding -	0	0	1
For any other Day in the Week, not exceeding -	0	0	0½
For each and every Superficial Foot of every Stall for exposing to Sale any manufactured Goods, Wares, or Merchandize, for each Market Day, any Sum not exceeding -	0	0	4
For each and every Superficial Foot of every Stall for selling or exposing to Sale any Cheese or other Article not herein-before particularly mentioned, for each Day, not exceeding -	0	0	2

The several Rents, Tolls, 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, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, in case he or she 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.

CORN, GRAIN, SEED, HAY, STRAW, GRASS, WOOL, AND
LEATHER TOLLS.

	£	s.	d.
For every Waggon laden with or conveying Wheat, Barley, Oats, Corn, Grain, or Seeds of any Kind, not previously contracted for or purchased, and brought within the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding -	0	0	6
For every Cart laden with or conveying any of the said Articles not previously contracted for or purchased, and brought within the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding -	0	0	3

	£	s.	d.
For every Horse laden with or conveying any of the said Articles not previously contracted for or purchased, and brought into the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding - - - - -	0	0	1
For every Wheelbarrow or other Conveyance laden with or conveying any of the said Articles, not previously contracted for or purchased, and brought into the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding - - -	0	0	0½
For every Waggon laden with or conveying any Hay, Reed, Straw, Vetches, Sainfoin, Clover, or other artificial Grass or Fodder for Cattle, not previously contracted for or purchased, and brought within the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding - - -	0	0	4
For every Cart laden with or conveying any of the said Articles not previously contracted for or purchased, and brought into the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding - - - - -	0	0	2
For every Horse laden with or conveying any of the said Articles not previously contracted for or purchased, and brought into the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding - - - - -	0	0	1
For every Wheelbarrow laden with or conveying any of the said Articles not previously contracted for or purchased, and brought into the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding - - - - -	0	0	0½
For every Waggon, Cart, Horse, Wheelbarrow, or other Conveyance carrying any Wheat, Barley, Oats, Corn, Grain, or Seeds of any Kind, hawked in any Part of the said City and County for Sale on any Day, the same Tolls as if the same Articles were sold or exposed for Sale on Market Days.			
For every Waggon, Cart, Horse, Wheelbarrow, or other Conveyance carrying any Hay, Straw, Vetches, Sainfoin, Clover, or other artificial Grass or Fodder for Cattle, hawked in any Part of the said City and County for Sale on any Day, the same Tolls as if the said last-mentioned Articles were sold or exposed for Sale on Market Days.			
For every Pack of Wool of Two hundred and forty Pounds per Pack not previously contracted for or purchased, and brought within the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding - - - - -	0	1	6
For every Three Hundred Weight of Leather not previously contracted for or purchased and brought within the City or County of the City of Exeter for Sale, and actually and bonâ fide sold or exposed for Sale on Market Days, any Sum not exceeding - - - - -	0	0	6
And so in proportion for any greater or less Quantity.			

TOLLS

TOLLS FOR WEIGHTS AND MEASURES.

	£	s.	d.
For every Quantity of Meat or other Article weighing not exceeding Twenty Pounds Avoirdupois, any Sum not exceeding	0	0	0½
For every Quantity of Meat or other Article weighing more than Twenty Pounds and not exceeding Sixty Pounds, any Sum not exceeding	0	0	2
For every Quantity of Meat or other Article weighing more than Sixty Pounds and not exceeding One hundred Pounds, any Sum not exceeding	0	0	3
For any greater Quantity than One hundred Pounds Weight, any Sum not exceeding	0	0	4
For every Quantity of Goods and Articles sold by Measure not exceeding One Bushel	0	0	0½
Exceeding One Bushel and not exceeding Two Bushels	0	0	1
For every additional Bushel or any Quantity less than a Bushel beyond such Two Bushels, the Sum of	0	0	0½

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