



ANNO DECIMO QUINTO

# VICTORIÆ REGINÆ.

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## *Cap. xx.*

An Act for the Establishment of a new Market  
in *Barnstaple*, and for the Improvement and  
Regulation of the existing Markets and Fairs  
therein. [28th *May* 1852.]

**W**HEREAS an Act was passed in the Fifty-first Year of the  
Reign of His late Majesty King *George* the Third, intituled  
*An Act for paving, improving, and regulating the Streets* 51G.3.c.154.  
*and public Places in the Borough and Parish of Barnstaple, and for  
the better Regulation of the present Markets, and providing others  
therein,* whereby, in addition to the Powers therein given to the  
Commissioners thereby appointed, and their Successors, the Mayor,  
Aldermen, and Burgesses of the Borough of *Barnstaple*, by their then  
Name or Style of the Mayor, Aldermen, and Capital Burgesses of the  
Borough and Parish of *Barnstaple*, were empowered to erect Market  
Houses, Places, Shambles, Shops, and Stalls, and to establish and hold  
the Markets therein for the Sale of Butchers Meat, fresh Fish, Corn,  
and Grain, and also to make, repeal, alter, or amend such Rules,  
Orders, Regulations, and Byelaws, as they should think fit, and to ap-  
point Officers for the better regulating, ordering, and governing, not  
[*Local.*] 3 N only

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only of the several Markets already erected, established, and held, but also of all other Markets that should thereafter be by them erected, established, or held within the said Borough and Parish, for the said several Purposes or any of them, and also for regulating, ordering, and governing all Persons, both Buyers and Sellers, thereto coming and resorting, in all Matters which might concern or relate to such Markets or any of them, and likewise for the regulating and ordering of all other Matters and Things which might concern or relate to such Markets or any of them; and in the same Act were contained Provisions with reference to the Purchase of Lands, and the borrowing of Money, for the Purposes of such Markets and Market Houses or Places, and otherwise in relation thereto: And whereas it is expedient that the Provisions of the said recited Act relating to Markets, Market Houses, and Market Places, and to the said Mayor, Aldermen, and Burgesses in relation thereto, should be repealed, and that more effectual Powers should be granted in lieu thereof: And whereas the present Market Place for the Sale of Cattle in the said Borough, and the Approaches thereto, are insufficient and incommodious, and it is expedient that the said Mayor, Aldermen, and Burgesses should be empowered to improve and enlarge the same: And whereas the annual Fair called *Barnstaple Fair* now commences on the Nineteenth Day of *September* in every Year, and lasts for the Period of Three Days, and it is expedient that the Period for the Commencement thereof should be altered so that the same may terminate in the Week in which it commences: And whereas the Cattle Fair and Great Markets for the said Borough are now holden in the Streets thereof, and it is expedient the same be removed to some more convenient Place: And whereas the Purposes aforesaid 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; (that is to say,)

Interpreta-  
tion of  
Terms.

I. That in this Act the Word "Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Barnstaple*, acting by the Council of the said Borough.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Barnstaple Markets Act, 1852.*"

Limits of  
Act.

III. That the Limits of this Act shall be coextensive with the Limits of the Borough of *Barnstaple*.

Repeal of  
certain Sec-  
tions and  
Parts of  
Sections of  
recited Act.

IV. That the Sections X., XI., XII., XIII., XIV., XV., LVIII., and LIX. of the recited Act, and so much of Sections XVI., XVII., XVIII., XIX., XX., XXI., XXIII., XXIV., XXV., XXVI., and XXVII. as relates to the purchasing of Lands, Tenements, and



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Hereditaments for completing the Market Houses or Places therein mentioned, so much of Section LXXIV. as relates to paying off the Mortgages and Securities on the Rents and Profits of the Markets, Market Houses and Places, so much of Section LXXVIII. as relates to the Recovery and Application of Penalties relating to the Markets, and of any other Sections in the said Act so far as the same relate to any Markets, Market Places, Market Houses, or any Person, Matter, or Thing connected therewith, shall be and the same are hereby repealed.

V. That all Market Houses, Market Places, Shops, Stalls, or other Conveniences, Property, Matters, and Things, and also all Rents, Monies, Tolls, Stallages, Choses in Action, Claims, and Demands, and the Benefit of all Deeds and Instruments whatsoever, of or to which the Corporation were 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, shall, notwithstanding the Repeal of the aforesaid Provisions of the recited Act, be and remain effectually vested, according to the Nature, Tenure, and Quality thereof respectively, in the Corporation, and may be recovered, enforced, holden, enjoyed, exercised, and disposed of accordingly.

Property to remain vested in the Corporation.

VI. That all Contracts, Bonds, Debts, and Engagements of the Corporation which may be owing or in force at the Time of the Commencement of this Act, for or on account or on the Credit of any Money payable under the recited Act, together with all Interest due or to accrue due thereon, shall be paid and discharged by the Corporation; and such Contracts, Bonds, Debts, and Engagements shall be recovered from and enforced against the Corporation, in like Manner, according to the Circumstances of each Case, as the same could have been recovered from or enforced against the Corporation under the recited Act.

Contracts and Liabilities under-recited Act to be discharged, &c.

VII. That any Action, Suit, Prosecution, or other Proceedings whatever, commenced by or against the Corporation, under the recited Act, shall not abate, cease, be discontinued, or prejudicially affected by this Act, but the same shall continue and take effect, either in favour of or against the Corporation, in the same Manner in all respects as the same would have continued and taken effect if this Act had not been passed; and all Persons who before the Commencement of this Act shall have committed any Offence or incurred any Penalty or Forfeiture under the Provisions of the recited Act may be sued and prosecuted for such Offences, Penalties, and Forfeitures in such and the like Manner as they might have been sued and prosecuted respectively if this Act had not been passed.

Actions not to abate.

VIII. That

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Officers to  
continue  
until re-  
moved.

VIII. That every Officer and Servant appointed by virtue or acting under the Authority of the repealed Provisions of the recited Act shall hold and enjoy his Office and Employment, and be deemed an Officer and Servant of the Corporation, until he be removed by the Corporation from such Office and Employment, and, until so removed, 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 the Authority of this Act.

Regulations,  
&c. to remain  
in force.

IX. That all Regulations, Rules, and Orders made under the Authority of and according to the Provisions of the recited Act, and in force on the Commencement of this Act, shall continue in full Force until the same be altered or varied under the Authority of this Act; and such Regulations, Rules, and Orders may and shall be enforced in the same Manner in all respects as the same respectively might be enforced in case the same had been made under the Authority of this Act.

Officers to  
account.

X. That all Officers and Persons who have or shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the Corporation under the repealed Provisions of the recited Act, or to which they would but for the Repeal thereof have been entitled, shall be liable to account for and to deliver up the same to the Corporation, or to such Persons as they shall appoint to receive the same, in like Manner, and subject to the like Process, Pains, and Penalties for Refusal or Neglect, as if such Officers and Persons had been appointed by or become possessed of such Money, Books, Documents, Papers, Writings, or other Effects for the Corporation, under the Provisions of this Act.

Old Books  
to be Evi-  
dence.

XI. That all Registers and Books of Proceedings, and other Books whatsoever of the Corporation, under the recited Act, kept according to the Directions of such Act, and made Evidence thereby, or which might have been received as Evidence before the Commencement of this Act, shall at all Times hereafter be admitted in Evidence in all Courts, and by all Judges, Justices, Commissioners, Arbitrators, and others, as the same might have been admitted in Evidence if this Act had not been passed.

8 & 9 Vict.  
c. 18. incor-  
porated with  
this Act.

XII. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act, or in the said "Lands Clauses Consolidation Act," contained, shall authorize the Corporation to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the  
Owners,



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Owners, Lessees, and Occupiers thereof, except the Lands described in the Schedule (A.) to this Act annexed.

XIII. That "The Markets and Fairs Clauses Act, 1847," with the Exception of the Clauses therein numbered XII., XIII., XIX., and L., shall, so far as the same is not inconsistent with the Provisions of this Act, be incorporated with and form Part of this Act.

Certain Clauses of 10 & 11 Vict. c. 14. incorporated with this Act.

XIV. That it shall be lawful for the Corporation to manage, regulate, and improve the Markets and Fairs holden or to be holden within the Limits of this Act, and, when and so often as they shall think proper, to alter and change the Days, Times, and Places for holding all or any of such Markets or Fairs (with the Exception of the annual Cattle Fair now and heretofore held on the Nineteenth Day of *September* in each Year), and to appoint such Days, Times, and Places for holding the same respectively as they shall think proper, and to hold such Markets and Fairs (except as aforesaid) so often as they shall think proper, and to remove or discontinue the Use of any Market Places or Places for Fairs now used or at any Time to be used within the Limits of this Act, and generally to do, execute, and perform all such Acts, Matters, and Things as they shall think necessary or proper for preserving, supporting, maintaining, managing, regulating, and improving such Markets and Fairs, and for governing, managing, regulating, improving, and enlarging the Market Places and Places for Fairs now used or at any Time to be used for the same respectively, and to erect and maintain all Stalls, Shops, Standings, Pens, Slaughter-houses, Weighing Houses, Buildings, Approaches, Sewers, Drains, Works, Conveniences, and Accommodations connected therewith and belonging thereto respectively, for the Benefit, Convenience, and Advantage of the said Borough and the Neighbourhood thereof, and the Public at large; and the Corporation shall be the Undertakers for constructing and providing such new or additional Market Places and Places for Fairs as they shall think proper, together with all proper Works and Conveniences connected therewith and belonging thereto, and for managing and regulating the same, according to the Provisions of this Act and the Acts incorporated herewith; and that the Mayor for the Time being shall be Clerk of the Market, as heretofore.

Corporation to put this Act into execution.

XV. That the annual Fair heretofore held in the said Borough on the Nineteenth Day of *September* and subsequent Days in each and every Year shall in and after the Year One thousand eight hundred and fifty-three commence and be holden on the *Wednesday* next succeeding the Eighteenth Day of *September* in each Year, and shall

Period for holding annual Fair.

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continue to be holden until Twelve o'Clock on the *Friday* Night following its Commencement, and no longer.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

XVI. That the Clauses and Provisions of "The Commissioners Clauses Consolidation Act, 1847," with respect to the following Matters, (that is to say,)

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners ;

With respect to the Appointment and Accountability of the Officers of the Commissioners ;

With respect to Mortgages to be executed by the Commissioners, and Transfers of such Mortgages ;

With respect to the making of Byelaws ; and

With respect to the giving of Notices and Orders,

Shall be incorporated with this Act ; and such Clauses shall apply to the said Markets and Fairs, and to the said Mayor, Aldermen, and Burgesses, or the Council on their Behalf, and shall be construed as if the Expression "the Mayor, Aldermen, and Burgesses" had been inserted therein instead of the Word "Commissioners," or where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of "that Number of Commissioners;" and in such Clauses the Expression "the Rates" shall for the Purposes of this Act mean the Stallages, Rents, and other Revenue to be derived by the Corporation from any Market or Fair.

Council may appoint Committees.

XVII. That the said Council may appoint out of their own Body from Time to Time such and so many Committees, consisting of such Number of Persons, as they shall think fit, for all or any of the Purposes of this Act which in the Opinion of such Council would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval.

Quorum of Committee.

XVIII. That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment ; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members (if any) fixed by the Council (and if no Quorum be fixed, Three Members,) be present ; and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of  
Votes



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Votes the Chairman shall have a Casting Vote, in addition to his Vote as a Member of the Committee.

XIX. That the Treasurer and Town Clerk of the said Borough, or such other Persons as the Council may appoint, shall be the Treasurer and Clerk respectively for the Purposes of this Act.

XX. That the several Rents, Stallages, Standages, Pickages, Pen-nages, Tolls, Duties, Customs, and Sums of Money which shall at any Time be received, collected, or recovered by the Corporation, for or in respect of the said Markets or Fairs, shall from Time to Time be paid to the said Treasurer, and by him applied and disposed of as the Council shall direct and appoint.

XXI. That the said Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which such Sums shall have been received and paid; and the Books of Account shall at all reasonable Times be open to the Inspection of the Mayor or any of the Aldermen or Councillors of the said Borough; and all the Accounts, with all Vouchers and Papers relating thereto, shall in the Months of *March* and *September* in every Year be submitted by the Treasurer of the Borough to the Auditors provided to be elected in pursuance of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and to such Members of the Council as the Mayor shall name, in pursuance of the said last-mentioned Act, on the First Day of *March* in every Year, or, in case of extraordinary Vacancy, within Ten Days next after such Vacancy, for the Purpose of being examined and audited from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were elected and named; and if the said Accounts shall be found to be correct, the Auditors shall sign the same; and after such Accounts shall be so examined and audited in the Month of *September* in every Year, the Treasurer shall make out in Writing and cause to be printed a full Abstract of the Account for the Year, and a Copy thereof shall be open to the Inspection of every Mortgagee and other Creditor of the Corporation by virtue of this Act, and to all the Rate-payers of the Borough, and Copies thereof shall be delivered to all such Persons applying for the same, on Payment of a reasonable Price for each Copy.

XXII. That no Byelaw made under any of the Powers for that Purpose herein or in any Act incorporated herewith contained (except such

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such as relate only to the Officers and Servants of the Corporation) shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the Corporation, to One of Her Majesty's Principal Secretaries of State, and shall have been published by Advertisement as herein-after mentioned; and if at any Time within the said Period of Forty Days Her Majesty, with the Advice of Her Privy Council, shall disallow the same Byelaws or any Part thereof, such Byelaws or the Part thereof disallowed shall not come into operation: Provided that it shall be lawful for Her Majesty, if She shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which any Byelaw (if allowed) shall come into force, and no such Byelaw shall in that Case come into force until after the Expiration of such enlarged Time,

Byelaws to be printed and published.

XXIII. That all Byelaws made in pursuance of this Act or any Act incorporated herewith, except such as relate only to the Officers and Servants of the Corporation, shall be printed, and a Copy thereof shall be affixed and continued in every Justice Room or Office in which any Justice shall sit for the Administration of Justice within the Limits of this Act; and Copies of such Byelaws shall be delivered by the Town Clerk to any Person who may apply for the same, on the Payment of such Sum as the Council shall think fit to fix as the Price of such Copies.

Penalty on Town Clerk refusing to supply Copies of Byelaws.

XXIV. That if the Town Clerk shall not, upon the Payment or Tender of such Sum as the Council shall direct to be paid for the same, deliver to any Person applying for the same at the Office of the Town Clerk a printed Copy of all or any Byelaws made in pursuance of this Act, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds; and if the Person for the Time being having the Care of any Police Office or any Justice Room wherein any Justice shall sit for the Administration of Justice within the Limits of this Act shall not permit the printed Copy of any Byelaws affixed in such Office or Room to be inspected at all reasonable Times by any Person who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Nothing to prevent the making of Byelaws under 5 & 6 W. 4. c. 76.

XXV. That nothing in this Act contained shall prejudice or affect the Power of the Corporation to make Byelaws under the said Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

Evidence of Byelaws.

XXVI. That a Copy of any Byelaw made under this Act, or under either of the Two last-mentioned Acts, either in Writing or in Print, sealed



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sealed with the Seal of the Corporation, and certified by the said Clerk under his Hand to be a true Copy, shall be received as conclusive Evidence of such Byelaw in all Courts of Law and Equity, and before all Justices, without any other Proof whatsoever.

XXVII. That it shall be lawful for the Corporation, for the Purposes of this Act, from Time to Time to borrow at Interest, on Mortgage or Bond, or otherwise, any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, and in the event of the same or any Part thereof being repaid to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing under this Act any more than the Sum of Ten thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so to be borrowed, with Interest, it shall be lawful for the Corporation to mortgage any Lands, Stallages, Rents, and other Revenue or other Property vested in or belonging to or to be acquired by them under or by virtue of this Act, or otherwise howsoever, (or to assign over the Borough Rate,) as a Security for the Repayment of the Money so to be borrowed, together with Interest for the same: Provided always, that all Mortgages and other Incumbrances created or granted by the Corporation under the repealed Provisions of the recited Act, before the passing of this Act, and in force at the Time of the passing of this Act, shall during the Continuance of such said Mortgages and Incumbrances have Priority over all other Mortgages and Incumbrances to be created under and by virtue of this Act.

Power to  
borrow  
Money on  
Mortgage.

XXVIII. That the Expenses of every such Mortgage shall be paid by the Corporation out of the Money raised by the same.

Expenses of  
Mortgages.

XXIX. That no Person paying or advancing any Money under or by virtue of this Act shall be bound to inquire whether the same is hereby authorized to be so paid or raised, or to see to the Application thereof, or be in anywise answerable for the Misapplication or Non-application thereof or of any Part thereof.

Persons  
paying, &c.  
Money not  
to be bound  
to see to its  
Application.

XXX. That in order to discharge the Principal Money borrowed on Mortgage or Bond as aforesaid the Corporation shall, every Year after the Expiration of Three Years from the passing of this Act, appropriate and set apart, out of the Stallages, Rents, and other Revenues belonging to or to be acquired by them under or by virtue of this Act, One Thirtieth Part of the Sum so borrowed, as a Sinking Fund, to be applied in paying off the Principal Monies so borrowed, and shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation, in the way of Compound In-

Sinking  
Fund.

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terest or otherwise, until the same shall be of sufficient Amount to pay off the Principal Debts to which such Sinking Fund shall be applicable, or some Part thereof, at which Time the same shall be so applied in paying off the same in manner herein-after provided.

As to paying  
off Mort-  
gages.

XXXI. That whenever the Corporation shall be enabled to pay off One or more of the Mortgages or Bonds which shall then be payable, but shall not be able to pay off the whole of the same Class, they shall decide the Order in which they shall be paid off by Lot among the Class to which One or more of the Mortgages or Bonds belong, and shall cause a Notice, signed by their Clerk, to be given to the Persons entitled to the Money to be paid off pursuant to such Lot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified, at the Expiration of Six Months from the Date of giving such Notice: Provided always, that all Mortgages or Securities created by the Corporation under the Provisions of the said recited Act shall be paid off in preference and priority to any Mortgages or Securities granted under the Provisions of this Act.

Newspapers  
for Adver-  
tisements.

XXXII. That any Advertisements to be published under the Provisions of this Act, or any Act incorporated or partly incorporated herewith, shall be published by Insertion in any Newspapers published in the County of *Devon*, and circulating within the said Borough.

Power to  
make new  
or additional  
Markets and  
Fairs.

XXXIII. That, subject to the Provisions in this and the said incorporated Acts contained, the Corporation may, when and in such Manner as they shall think proper, improve, enlarge, and make more commodious and convenient for the Public the present Market Place for the Sale of Cattle between *Tuly Street* and the Street formerly called *Cattle Market*, but now known by the Name of *Castle Street*, in the said Borough, and also may construct a Market Place and all proper Buildings and Works for the Sale of such marketable Commodities as are in the Schedule (B.) to this Act annexed mentioned or referred to, and may enter upon, take, and use such of the Lands described in Schedule (A.) to this Act annexed as shall be necessary for those Purposes.

Corporation  
to give  
Notice of  
Completion  
of new Mar-  
ket Place,  
&c.

XXXIV. That the Corporation shall give One Month's Notice by Advertisement in the Newspapers as aforesaid, and also by Handbills signed by the Mayor, and circulated through the Borough of *Barnstaple* aforesaid, of the Completion of the said new Market Place, and that from and after a Day to be fixed by the said Notice the Market for supplying the Inhabitants with Butchers Meat, Corn, and Grain,  
and



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and all other marketable Commodities, now held in the Streets called *High Street, Boutport Street, Cross Street*, or in any other Street or Streets, Place or Places within the said Borough, shall be removed to and be holden in the said new Market Place, but it shall be lawful for the Corporation to continue the Fish Market where it is at present held; and if any Person shall, after such Notice as aforesaid, on any succeeding Market Day, or on any other Day, sell or expose to Sale within the said Borough, except within the said new Market Place, any Butchers Meat, Poultry, Vegetables, Corn, Grain, or any of the Commodities, Goods, or Merchandise enumerated in Schedule (B.) to this Act annexed, or Fish in the present Fish Market until such Fish Market is removed, except as herein-after mentioned, every Person so offending shall for each and every such Offence, on Conviction before One or more Justice or Justices of the Peace for the said Borough, forfeit and pay any Sum not exceeding Forty Shillings: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any marketable Commodities, Matters, or Things, or any Goods, Wares, or Merchandise whatsoever, in his or her own private Dwelling House, or from selling or offering for Sale any Corn, Grain, or Seeds on any Premises in his or their own Occupation in any Part of the said Borough; provided that nothing shall extend to prevent or restrain any Person from selling Fish, Poultry, Fruit, or Vegetables from Door to Door within the said Borough on other than Market Days, subject to such Byelaws as shall be published for regulating the Markets under the Authority of this Act.

XXXV. That the Sale of Butchers Meat within the said Market shall be confined exclusively to the Butchers Shops and Standings to be assigned by the Corporation for that Purpose; and that any Person offering for Sale any Butchers Meat in any other Place within the said Market shall be liable to a Penalty not exceeding Forty Shillings; provided that nothing herein contained shall extend to prevent the Sale of cured Bacon or small Quantities of fresh Pork, as heretofore, exposed for Sale in the Pannier Market now in use in the said Borough, such fresh Pork so exposed for Sale by any One Person not exceeding in the whole Twenty Pounds in Weight.

Regulations as to Penalty for Sale of Butchers Meat, &c. in the Market.

XXXVI. That the Corporation may set apart and appropriate any Lands vested in or belonging to them, or any Lands which they may purchase or take by way of Exchange, or may rent, with the Consent of and by Agreement with the Owner thereof, as Sites for any Markets or Fairs which may be removed by them under the Powers of this Act.

Sites for Markets removed under Powers of this Act.

XXXVII. That the Corporation may (in connexion with any existing or intended Market or Market Place) erect and provide such Slaughter-

Slaughter-houses to be provided.

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Slaughter-houses as shall from Time to Time be sufficient for the slaughtering of Cattle for the Supply of the said Borough and Neighbourhood.

Lands may be taken upon Lease for Purposes of Act.

XXXVIII. That the Corporation may, if they shall think proper so to do, take upon Lease, or otherwise rent, any Lands which they shall think convenient and proper for the Purposes of this Act.

Lands for extraordinary Purposes.

XXXIX. That the Lands to be purchased or appropriated by the Corporation for extraordinary Purposes shall not exceed Ten Acres.

Power to lease Stalls, Standings, &c.

XL. That the Corporation may, if they shall think proper so to do, from Time to Time demise and let to any Person any Stalls, Shops, Standings, Pens, Weighing Houses or Machines, Slaughter-houses, Buildings, Rents, Stallages, Standages, Pickages, Pennages, Tolls, Duties, and Customs, or any of them, vested in or belonging to the said Corporation, from Year to Year, upon such Terms, and with such Security for Payment of the Rent reserved by the Lease thereof, as shall be agreed upon between the Corporation and the Person to whom such Lease shall be made.

Penalty for destroying Table of Tolls.

XLI. That every Person who shall destroy, pull down, injure, or deface any Board put up or affixed for the Purpose of publishing any Table of Tolls, Stallages, or Rents, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay for the Restoration of such Board.

Application of Penalties.

XLII. That the Justice by whom any Penalty shall be imposed under this Act shall, if he shall think proper so to do, award any Part, not more than Half thereof, to the Informer, and the Remainder shall be paid to the said Treasurer; and if no Part shall be so awarded to the Informer, the whole of any Penalty shall be paid to the said Treasurer.

Mayor, &c., being Justices, may act as such.

XLIII. That it shall be lawful for the Mayor of the said Borough for the Time being, and for every Justice of the Peace having Jurisdiction within the Borough, though a Member of the said Council, to act as a Justice of the Peace in all Matters relating to the Execution of this Act.

Tolls to be taken for the Markets.

XLIV. That it shall be lawful for the Corporation from Time to Time to demand from any Persons occupying or using any Stand, Stall, Shed, Pen, or Place in the Market Place to be assigned or constructed under this Act, or Buildings or Ground connected therewith respectively, or erecting any Booth in any such Market Place, or bringing



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bringing into such Market Place, or Buildings or Ground, any Commodities, Provisions, Articles, or Things specified or referred to in the Schedule (B.) to this Act annexed, or bringing into such Market Place any Caravan or Vehicle, such Tolls, Rents, Pickages, Standages, and Stallages as the Corporation shall from Time to Time appoint, not exceeding the several Tolls, Rents, Pickages, Standages, and Stallages specified in the same Schedule.

XLV. That it shall be lawful for the Corporation from Time to Time to demand, in the Cattle Market belonging to them, from any Person bringing into such Cattle Market any Cattle or other Live Stock specified in the Schedule (C.) to this Act annexed, such Stallages, Pennages, Standages, Rents, and Tolls as the Corporation shall from Time to Time appoint, not exceeding the several Stallages, Pennages, Standages, Rents, and Tolls specified in the same Schedule.

Tolls for  
the Cattle  
Market.

XLVI. That after such Slaughter-houses shall be opened for public Use it shall be lawful for the Corporation to demand and take from any Person slaughtering Cattle, Sheep, Swine, or Beasts within any such Slaughter-houses such Tolls in respect thereof as they shall think proper, not exceeding the Tolls specified in Schedule (D.) to this Act annexed.

Tolls for  
Slaughter-  
houses.

XLVII. That it shall be lawful for the Person for the Time being appointed to attend the Weighing Houses or Places for weighing or measuring any Article sold in the said Market Place by Weight or Measure, from Time to Time to demand such Tolls as the Corporation shall from Time to Time appoint, not exceeding the several Tolls specified in the Schedule (E.) to this Act annexed.

Tolls for  
weighing and  
measuring.

XLVIII. That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Carts within the Limits of this Act to demand from the Person requiring the same to be weighed such Tolls as the Corporation shall from Time to Time appoint, not exceeding the several Tolls specified in the Schedule (F.) to this Act annexed ; and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

Tolls for  
weighing  
Carts.

XLIX. That, except as in this Act expressly provided, nothing in this Act contained shall abridge, restrict, postpone, or otherwise prejudice or affect any Rights, Powers, or Interests now vested, or which may at any Time or Times hereafter be vested in the Corporation, but the same shall be and remain in as full Force and Effect as if this Act had not been passed.

Saving  
Rights of  
Corporation.

[*Local.*]

3 Q

L. That



*The Barnstaple Markets Act, 1852.*

Council not to sell Lands without Consent of Treasury.

L. That nothing in this Act contained shall extend or be construed to extend to enable the Corporation to sell, mortgage, grant, or alienate for the Purposes of this Act, without the Approbation of the Lords Commissioners of Her Majesty's Treasury or any Three of them, any Messuages, Lands, Tenements, or Hereditaments which they could not have sold, mortgaged, granted, or alienated without such Approbation before the passing of this Act, anything in this Act contained to the contrary notwithstanding; but if it shall happen that any Portion of the Lands enumerated in Schedule (A.) to this Act annexed, and taken by the Council under the Powers of this Act, shall not be required for the Purposes thereof, it shall be lawful for the said Corporation to sell or dispose of the same as they may think proper, without such Approbation of the Lords of the Treasury as aforesaid.

Partial Exemption of Freemen, &c. from Market Toll.

LI. Whereas the Freemen of the said Borough, and certain Persons entitled to, holding, or occupying Lands belonging to certain Manors, being of the Tenure of Ancient Demesne, are entitled to resort to and use the Markets now held within the said Borough exempt from all Toll: Be it enacted, That in the Market or Markets to be built and established in pursuance of this Act the said Freemen, and the said Tenants or Occupiers of Lands of the Tenure of Ancient Demesne, and all other Persons who heretofore were entitled to resort to and use the said Markets exempt from Toll, shall be entitled to resort to and use the same, and shall be liable to pay Two Thirds only of the Tolls which shall be levied on all other Persons not being such Freemen, or Tenants, or other Persons entitled as aforesaid, either in respect of the Articles, Commodities, and Things which the said Freemen and Tenants and other Persons entitled as aforesaid respectively are now and have heretofore been entitled to sell or expose for Sale free of Toll, or the Means used or Space occupied for exposing the same for Sale.

As to the fractional Part of a Farthing.

LII. Provided always, That as to the Tolls to be paid by the Freemen of the said Borough, and Persons holding or occupying Lands belonging to certain Manors being of the Tenure of Ancient Demesne, which are by this Act limited to Two Thirds only of the Tolls (which shall be levied on all other Persons not being such Freemen or Tenants or other Persons entitled as aforesaid), the Sum of a Farthing shall be payable in lieu of any fractional Part of a Farthing in respect not of each Toll but upon the aggregate Amount of Tolls payable by each such Freeman or Person in any One Day.

Saving Rights of the Lord of the Manor.

LIII. That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, diminish, alter, abridge, impeach, annul, prejudice, destroy, or affect any Rights, Privileges, Jurisdictions, Immunities,



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*The Barnstaple Markets Act, 1852.*

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Immunities, Rents, Tolls, Dues, Duties, or lawful Customs belonging, due, or in anywise appertaining to the Lords of the respective Manors within the said Borough and Parish, other than and except as regards the Restriction herein-before contained as to the holding the said Market in any other Place than the said new Market Place, when the same shall be completed.

LIV. That all the Costs, Charges, and Expenses of preparing, applying for, obtaining, and passing this Act, or in any way incident thereto, and all Monies which shall have been advanced, paid, or lent for or towards defraying any such Costs, Charges, or Expenses, with Interest for the same, shall be paid by the Corporation. Expenses  
of Act.

*The Barnstaple Markets Act, 1852.*

## SCHEDULES to which this Act refers.

## SCHEDULE (A.)

## DESCRIPTION OF LANDS WHICH MAY BE TAKEN.

*Parish of Barnstaple in the County of Devon.*

Situation of Property.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Boutport Street	Commercial Inn, consisting of a Dwelling House and Outhouses, and Right of Way leading thereto from Churchyard.	John Waldron - - -	- - -	John Waldron.
Boutport Street	Dwelling House and Outhouses.	Trustees of Barnstaple Municipal Charities.	Rev. Henry Nicholls	William Tucker.
Boutport Street	Dwelling House, Malthouse, and Outhouses.	Same - - -	John Morris Fisher	Stephen Doble and John Morris Fisher.
Boutport Street	Dwelling House -	John Morris Fisher	- - -	Anthony Sloman.
Boutport Street	Dwelling House and Garden.	Ann Holland - -	- - -	Mary Milroy.
Boutport Street	Two Dwelling Houses, Shop, and Outhouses.	Mary Reed Martin	- - -	John Aishton and John Hill.
Boutport Street	Two Dwelling Houses, Shop, and Outhouses.	Town Council - -	Nicholas Jones -	Nicholas Jones, Anthony Fewrings, George French, and Charles Dalton.
Boutport Street	Dwelling Houses and Outhouses.	Thomas Hooper Law	- - -	Philip Leaker and Mary Jeans.
Anchor Lane -	House and Outhouses (Town Arms Inn).	Thomas Acland - -	- - -	Henry Gayton.
Anchor Lane -	House and Outhouses.	Grace Acland - -	- - -	Thomas Acland.



*The Barnstaple Markets Act, 1852.*

Situation of Property.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Anchor Lane -	House and Out-houses (Seven Stars Inn).	Trustees of Barnstaple Municipal Charities.	James Baker -	Samuel Cleal and William Clement.
Churchyard -	House and Garden, and Right of Way leading from Churchyard to the Commercial Inn.	Robert Cann, Mary Ann Cann, John Cook, George Northcote, and Ann Eliza Northcote.	- - -	William Ward.
Churchyard -	Warehouse and Garden.	Elizabeth Lock -	John Willis - -	John Edger, William Carter, and David Thorne.
Anchor Lane -	Yard and Premises	Town Council -	- - -	Commissioners of Improvement.
Anchor Lane -	Ring of Bells Inn -	Same and David Thorne.	- - -	David Thorne.
Churchyard -	Dwelling House and Shop.	Richard Lancey -	- - -	Joseph Tossell and Richard Lancey.
Churchyard and Anchor Lane.	Two Dwelling Houses. Lane, Back Way to the Commercial Inn.	Andrew Mackinlay and William Mackinlay.	- - -	John Tossell and William Williams.
High Street -	House, Shops, and Garden.	Town Council -	- - -	William Avery (Printer).
High Street -	House or Part of a Dwelling House.	Wm. Teer Hawke, Mary Peace, and William Avery.	- - -	Richard Bridgeman.

*Cattle Market.*

Tuly Street -	Part of a Garden -	William Avery -	- - -	William Avery.
Tuly Street -	Garden - - -	Hannah Hartree -	- - -	Wm. Weeks Gregory.
Holland Street	Garden, being Part of Fountain Inn.	Town Council - -	Jonathan Gribble, Thomas Seldon.	John Bowden.
Castle Quay or Castle Street.	Garden - - -	John May - -	- - -	John Pomeroy Gilbert.
Castle Quay or Castle Street.	Cottage, Garden, and Workshop.	Town Council - -	Ann Hooper Avery	James Barry.
Castle Quay or Castle Street.	Garden - - -	Town Council - -	Elizabeth Drake -	John Pomeroy Gilbert.

## SCHEDULE (B.)

SCHEDULE of TOLLS, RENTS, PICKAGES, STANDAGES, and STALLAGES referred to and authorized to be taken in the MARKETS by this Act.

For every enclosed Shop, Stall, Standing, or Station, used for exposing for Sale Meat, Fish, or any other live or dead Victuals, Vegetables Fruit, China, Glass, Earthenware, or other Goods, Articles, or Commodities :

	£	s.	d.
If taken by the Year, not exceeding the Sum of	12	0	0
By the Half Year, not exceeding the Sum of	6	10	0
By the Quarter, not exceeding the Sum of	3	10	0
By the Week, not exceeding the Sum of	0	6	0
For each Stall, Bulk, Block, Trestle, Standing, or Station, according to the Size and Space; (that is to say,)			
On any Fair Day or Market Day, for every Superficial Foot not exceeding the Sum of	0	0	1
On any other Day, not exceeding the Sum of	0	0	0½
For every Waggon or Cart in which shall be exposed or offered for Sale any Article, Commodity, or Thing, on each Market or Fair Day, not exceeding the Sum of	0	4	0
On each other Day, not exceeding the Sum of	0	2	6
For every Truck, Barrow, or other small Vehicle drawn by Hand used for the like Purpose, on each Market Day or other Day, for each Superficial Foot not exceeding the Sum of	0	0	0½
For every Five Feet in Length and Five Feet in Depth for exposing for Sale Poultry, Butter, Eggs, Fruit, Vegetables, or other Articles of Provision commonly sold in Poultry and Vegetable Markets, for each Day's Sitting, such Space to be occupied by One Person only, not exceeding the Sum of	0	0	4
For every additional Foot in Length, for every Day's Sitting, not exceeding the Sum of	0	0	1
For every Sack or Bâg containing Potatoes or other Roots, for each Day, not exceeding the Sum of	0	0	1
For every Superficial Foot used for selling Cabbage or other Plants, Fruit Trees or other Trees, or any Shrubs or Plants, or for any other Purpose not herein provided for, for each Day not exceeding the Sum of	0	0	0½
For every Basket or Showboard carried by any Person for exposing Goods for Sale, on each Market Day or other Day, not exceeding the Sum of	0	0	2
			Baskets



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	£	s.	d.
Baskets containing Vegetables only, not exceeding the Sum of - - - - -	0	0	1
For every Waggon, Phaeton, or other Four-wheeled Carriage offered for Sale, not exceeding the Sum of -	0	2	6
For every Plough, Harrow, Machine, Drill, or Roller, not exceeding the Sum of - - - - -	0	0	6
For every Waggon Load of Hay or Straw exposed or offered for Sale, not exceeding the Sum of - - -	0	0	6
For every Cart Load of Hay or Straw exposed or offered for Sale, not exceeding the Sum of - - -	0	0	3
For every Quantity of Corn or Grain not more in the whole than Five Bags, not exceeding the Sum of -	0	0	1
For every additional Quantity not more than Five Bags, not exceeding the Sum of - - - - -	0	0	0½
For all Fish exposed for Sale, for every Superficial Foot not exceeding the Sum of - - - - -	0	0	0½

## SCHEDULE (C.)

SCHEDULE of TOLLS or DUTIES to be paid for CATTLE, HORSES, SHEEP, and PIGS bought or sold alive, or offered for Sale, in the CATTLE MARKET and FAIRS.

	£	s.	d.
For every Bull, Ox, Cow, Heifer, Steer, Sturk, or Bullock, if sold, not exceeding the Sum of - - -	0	0	3
If exposed for Sale and not sold, not exceeding the Sum of - - - - -	0	0	1
For every Horse, Mare, or Gelding, Mule or Ass, exposed for Sale within any Part of the Borough, not exceeding the Sum of - - - - -	0	0	6
For every Sheep or Lamb exposed for Sale, not exceeding the Sum of - - - - -	0	0	0½
For every Hog or Pig exposed for Sale, except Sucking Pigs, not exceeding the Sum of - - - - -	0	0	1
For every Sucking Pig, not exceeding the Sum of -	0	0	0½
For every Calf exposed for Sale, not exceeding the Sum of	0	0	1

## SCHEDULE (D.)

## SLAUGHTER-HOUSES.

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

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## SCHEDULE (E.)

## SCHEDULE of TOLLS to be taken for WEIGHING and MEASURING.

From every Person weighing or measuring any Hide, Skin, Sheep, Lamb, Calf, Hog, or Pig, Bull, Ox, or Cow, or other Animal, Commodity, Article, or Thing, in any of the Weighing Machines belonging to the said Mayor, Aldermen, and Burgesses:

	£	s.	d.
For every Hide, the Sum of - - - -	0	0	1
For every Cwt. of Tallow, the Sum of - - -	0	0	2
For every Flich of Bacon, the Sum of - - -	0	0	1
For every Skin, the Sum of - - - -	0	0	1
For every Sheep, Lamb, or Calf, the Sum of - - -	0	0	1
For every Hog or Pig, the Sum of - - - -	0	0	2
For every Bull, Ox, Steer, Cow, or Heifer, the Sum of -	0	0	6
If weighed in Quarters, for each Quarter the Sum of -	0	0	2
For all other Articles sold in the Market, being not more than Twenty-eight Pounds Weight, the Sum of -	0	0	1
Being not more than One Cwt. Weight, the Sum of -	0	0	2
For each additional Cwt., the Sum of - - - -	0	0	2
For all Goods and Articles sold by Measure, for each Bushel or less Quantity, the Sum of - - -	0	0	0½

## SCHEDULE (F.)

## SCHEDULE of TOLLS to be taken for Use of WEIGHING MACHINE.

	£	s.	d.
For weighing any Waggon, the Sum of - - - -	0	1	0
For weighing any Cart or other Carriage not weighing more than Two Tons, the Sum of - - - -	0	0	6
If weighing more than Two Tons, the Sum of - - -	0	1	0
For every Load of Hay, Straw, or other Agricultural Produce, not weighing more than One Ton, the Sum of - - - -	0	0	6
For each additional Ton or less Weight, the Sum of -	0	0	6

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