



ANNO QUADRAGESIMO OCTAVO

# GEORGI III. REGIS.

\*\*\*\*\*

## *Cap. 89.*

An Act for the better and more easy rebuilding of the Town of *Chudleigh* in the County of *Devon*; for determining Differences touching Houses demolished by the late Fire there; and for preventing future Danger by Fire.

[1st June 1808.]

**W**HEREAS the greatest Part of the Town of *Chudleigh*, in the County of *Devon*, hath been burnt down by a dreadful Fire, which happened on *Friday* the Twenty-second Day of *May* One thousand eight hundred and seven, the rapid Destruction of which is principally attributed to the general use of Thatch; and divers Suits and Controversies are likely to arise between the Proprietors of and Persons interested in Houses and Lands there, tending (if not prevented) to their great Vexation and Damage, and hindering the rebuilding the said Town: Therefore, to remedy the same, and also to promote the rebuilding of the said Town, and to prevent further Danger by Fire, be it enacted by the King'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 the Vicar of *Chudleigh* for the Time being, *John Pollexfen*

[*Loc. & Per.*].

19 D

*Bastard* Commissioners.

*Bastard* and *Edmund Bastard* Esquires, *Sir Lawrence Palk* Baronet, *James Templer*, *John Templer*, *George Templer*, *Montague Edmund Parker Pierce*, *Joseph Taylor*, *Frederick Carfield*, *Montague Edmund Parker Junior*, *Francis Parker* and *Edward Meadows*, Esquires; the Reverend *John Templar*, *John Swete*, *John Lake Kitson*, *John Comyns*, *John Garrett*, *Henry Mugg*, *William Fredrick Bayley*, *John Hill* and *Joseph Domett* Clerks, *William Thompson*, *Thomas Mitchell*, *Christopher Hellyer*, *Mark George Dolling*, *William Bond*, *William Stidston*, *John Pulling*, *John Gawler* and *Thomas Yarde*, Gentlemen; *Sir Henry Carew* and *Sir William Templer Pole*, Baronets; *Edward Downe*, *William Courtenay*, *Arthur Champèrnowne*, *George Cary*, *James Buller*, *Arthur Holdsworth*, *William Adams*, *George Templar*, *William Jackson*, *Charles Short*, *John Cole*, *John Fownes*, *Robert Russell*, *Charles Brooke*, *Abraham Moore*, *George Ambrose Rhodes*, *John Milford*, *Matthew Louis*, *John Perring*, and *Samuel Drewe*, Esquires; and the Reverend *John Buckland* Clerk, the Reverend *Palk Weland*, *Robert Abraham*, shall be and are hereby constituted and appointed Commissioners for executing the several Powers and Authorities given and granted to and vested in them by this Act; and that the said Commissioners, or any Seven or more of them, sitting at the same Time together at some convenient Place within the said Town, shall be and by the Authority of this Act are made and constituted a Court of Record; and the said Commissioners, or any Seven or more of them, shall hold their First Meeting on the First Day of *July*, or as soon afterwards as conveniently may be, and shall then and at every subsequent Meeting adjourn themselves; and if at any Time it shall happen that there shall not be a sufficient Number to act at such Meeting, and to adjourn, that then and in all such Cases the said Commissioners, or any Seven or more of them, shall meet on that Day Fortnight, to be accounted from the Day of their last Meeting or intended Meeting, and that in the mean Time no Meeting shall be held by any Number of Commissioners for or under the Pretence of executing the Purposes of this Act; and if any such Meeting or pretended Meeting shall be had in such Intervals as aforesaid, that all Orders therein made, and all Business there transacted, shall be deemed utterly void and of no Effect; and the Clerk of the said Commissioners shall, previous to every Meeting to be held as aforesaid, cause Notice in Writing of the Day appointed for every such Meeting to be affixed on the Door of the Church in the said Town of *Chudleigh*, and shall also cause such Notice to be advertised in *Trewman's Exeter Paper*, or some other publick Newspaper printed at *Exeter*, at least Ten Days before such Meeting; and such Clerk shall, for each and every Default thereof, forfeit and pay any Sum not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of such Clerk, by virtue of a Warrant under the Hand and Seal of any One Justice of the Peace for the said County of *Devon*, and all the said Meetings shall be held at some convenient Place within the said Town of *Chudleigh*; and the said Commissioners, or any Seven or more of them, shall and are hereby authorized, from Time to Time, summarily and without the Formalities of Proceedings in Courts of Law or Equity, either by Verdict or Inquisition of Jurors, Testimony of Witnesses upon Oath, Examination of Parties interested, or by all or any of the said Ways, or otherwise at their Discretions, to hear and determine all Differences and Demands whatsoever which have arisen or may arise or be claimed by or between Proprietors, Landlords,

Meetings of  
Commission-  
ers.

Ten Days  
Notice to be  
given on  
Penalty of 5l.

Landlords, Tenants, Lessees, Undertenants, or late Occupiers of any the Houses or Buildings burnt, pulled down, or otherwise demolished or damaged by or by reason of the said Fire, or of any Courts, Yards, Gardens, or Appurtenances thereunto belonging, or by or between any Person or Persons, Bodies Politick or Corporate, having or claiming any Estate, Right, Title, Interest in Law or Equity, Trust; Charge, or Incumbrances, in, to or upon the same, or their or any of their Heirs, Executors, Administrators, Successors or Assigns, or any other Person, for touching or concerning the repairing, building or not building of the said Houses or Buildings and Premises, or for or concerning the Payment, Defalcation, apportioning or Abatement of any Rent or Rents for Houses or Buildings burned or destroyed by the said Fire (other than Arrears of Rent due before the said Fire), or for or touching any Covenant, Condition, or Penalty relating thereunto, or for touching or concerning the prefixing or limiting of any Time for such Repairs or new Buildings, or any Rate or Contribution to be borne or paid for and towards the repairing and rebuilding of the said Houses, by any Person or Persons, Bodies Politick or Corporate, or Trustees interested in the Premises, and all Incidents relating thereunto, subject nevertheless to the Directions, Regulations, and Restrictions herein-after expressed; and that the definitive Order of the said Court shall be binding between the said Parties, their Heirs, Executors, Administrators, Successors, and Assigns, and all claiming by, from, or under them, as touching the Matters contained in such Orders, for which there shall be no Appeal otherwise than herein-after is mentioned, nor shall any Writ of Error or *Certiorari* lie for the Removal or Reversal of the same.

Orders of Commissioners to be binding.

II. And, for the better enabling the said Commissioners to proceed with Effect in executing the Purposes of this Act, be it enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them as aforesaid, shall and may issue out Summonses under their Hands, or the Hands of any Three of them, thereby warning the Person or Persons, Bodies Politick and Corporate therein named, to appear before them, as Parties, Witnesses, or otherwise, at such Place and such Time, not less than Ten Days after the issuing of such respective Summons, as in such Summons or Summonses shall in that Behalf be specified; and upon Appearance of the said Person or Persons so summoned, or upon Default of Appearance and Oath made of due Notice given to him, her, or them, which Oath and all other Oaths necessary for executing the Purposes of this Act, the said Commissioners, or any Two of them, are hereby enabled to administer, the said Commissioners, or any Seven or more of them, may proceed to make such definitive Orders aforesaid; and that such Service of the said Summons or Summonses as is usually deemed to be good Service in Cases of Subpœna shall be accounted to be good Service in the Cases aforesaid: Saving always, that when any Person or Persons, Bodies Politick or Corporate to be summoned at the Time of issuing such Summons shall be beyond the Seas, or cannot be found to be summoned, that no Proceeding shall be thereupon had until after Six Months then next following, and then (Oath having been made of endeavouring to serve the said Summons) the said Court shall and may proceed as if the said Party or Witness had been actually summoned, unless

Parties and Witnesses may be summoned.

the said Party or Witness so absent, upon a new Summons after his or their Return, or being found, shall sooner appear.

May order the granting, enlarging, abridging, exchanging, surrendering, &c. of any Estates in the Premises, except in Cases of ancient accustomable Rent;

III. And, for determining all Differences and Demands between Proprietors, Landlords, Tenants, Lessees, Under Tenants, or late Occupiers of any of the Houses or Buildings aforesaid, be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them as aforesaid, shall and may and they are hereby empowered, where they shall judge it reasonable, to order, under and subject to the Restrictions herein-after expressed, the granting, enlarging, charging, abridging, exchanging, surrendering, or determining of any Estates in the Premises, by the Proprietors, Landlords, Tenants, or other Persons interested therein, their Heirs, Executors, Administrators, Successors, or Assigns, at such Rents or Fines, or upon such Terms and Conditions as they shall think fit, unless in such Cases where the Laws of this Realm do forbid the diminishing of ancient and accustomable Rent; and that all Infants, Females Covert, Idiots, Persons of non-sane Memory or beyond the Seas, Tenants in Tail, Bishops, Deans and Chapters, Colleges, and other Ecclesiastical Persons, and Bodies Corporate, and their Successors; and all other Person and Persons, Bodies Natural and Politick, their Heirs, Executors, Administrators, and Successors, and their respective Interest, shall be bound and concluded by such respective Orders, subject nevertheless to such Appeal and Determination as herein-after is mentioned.

and may make Rules and Directions in the Forms and Orders of the Buildings.

If the Foundation be not laid in Five Years, and the Houses rebuilt within a reasonable Time, the Court may let the Premises on Building Leases.

IV. And be it further enacted by the Authority aforesaid, That the said Court shall have Power and Authority to make and appoint, from Time to Time, such Rules and Directions in the Forms and Orders of Buildings, to be observed in the Re-edifying or Repairing of such Houses or other Buildings as were demolished or damaged by or by Reason of the said late Fire, or any of them, and of all other Buildings made or to be made from the Time of the said Fire to the Time of making such Order, as they shall think fit and convenient for the better Security and Ornament of the said Town, and that all such Buildings and Reparations shall be pursuant to such Rules and Directions; and that in case the Proprietors or Owners of the Houses or Buildings demolished or damaged by or by Reason of the said Fire, their Heirs, Executors, Administrators, Successors, or Assigns, shall not within the Space of Five Years, to be computed from the Twenty-second Day of *May* One thousand eight hundred and eight, lay the Foundation of their Houses or Buildings to be rebuilt, and the same shall not, within a reasonable Time to be limited by the said Court, be repaired or rebuilt, then upon such Default the said Court shall have Power and Authority by their Order and Decree to dispose of the Ground and Premises so unbuilt, and of all Courts, Yards, Gardens, and other Appurtenances thereunto belonging, upon any Lease or Leases, for any Term not exceeding Five hundred Years, to such Person or Persons, Bodies Politick or Corporate, as will rebuild the same, and to their Executors, Administrators, Successors, and Assigns, and that the said Court shall and may appoint the Terms and Conditions, and the Fine and reserved Rents to be paid on such Lease or Leases; and that, for the better perfecting of such Lease or Leases, the said Court shall and may order

order and decree any Surrender or Surrenders to be made of all Estates or Interests for Life or Lives or Years, to the Proprietors or Owners of the Inheritance of the said Grounds and Premises, their Heirs or Assigns, or other Persons interested therein, where such Surrenders shall be deemed necessary for the Purposes aforesaid; and that the said Court shall and may appoint what Sum of Money or other Satisfaction the Person or Persons so undertaking to rebuild shall give to the Proprietors or Owners of the said Grounds and Premises, and also to such Tenant or Tenants who shall be ordered to surrender their Estates and Interests as aforesaid.

V. And, for the better regulating the new building of the said demolished or damaged Houses or Buildings, be it further enacted, That the said Court shall by Authority of this Act have Power to order or direct any Alterations in the Foundations thereof, by taking and giving Ground from one to another by Way of Exchange, as shall in their Judgment be expedient for the better rebuilding of the Premises; and that the said Court shall appoint what Sum of Money or other Satisfaction shall be paid or made by the Person or Persons, Bodies Politick or Corporate, having Benefit by such Alterations, unto the Owner or Owners or other Persons interested therein, so as such Exchange so to be made be of Lands held by the same Tenure.

Alterations may be made in the Foundations, and Grounds may be exchanged.

VI. And, in case any of the said Parties will not, or through any Disability, by Non-age, Coverture, Non-sanity, especial Intail, Settlement, or other Impediment cannot submit to the Award of the said Court, touching the Sums to be paid, or Satisfaction to be made on account of such Alterations, or to the Order of the said Court, touching the Fines or reserved Rents to be paid by the Rebuilders of the said Houses or Buildings, be it enacted by the Authority aforesaid, That in either of the said Cases it shall and may be lawful to and for the said Court from Time to Time to issue out a Warrant or Warrants, Precept or Precepts, signed by Three or more of the said Commissioners, directed to the Sheriff of the County of *Devon*, who is hereby authorized and directed to obey the same, to impanel and return Twenty-four honest, substantial, and disinterested Persons qualified to serve on Juries, and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Persons shall be drawn by the said Court, in such Manner as Juries for the Trials of Issues joined in His Majesty's Court at *Westminster* are, by an Act made in the Third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the better regulating of Juries*, directed to be drawn, and under the like Penalties in default of Appearance as by the said Act are directed, which Penalties the said Commissioners shall have Power to inflict; and that all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen; which Jury, upon their Oaths to be administered by the said Court, are to assess such Damages and Recompences as they shall adjudge fit and reasonable to be awarded to the Proprietors or Owners of the said Grounds and Premises, and to such Tenant or Tenants who shall be ordered to make any Surrender or Surrenders for the Purposes aforesaid, according to their respective Interests in the same; and the said Jury shall

Where Persons shall be disabled by Law to submit to an Award, the Court may issue Precepts for summoning a Jury; who shall assess the Damage and Recompence.

likewise award and determine such Fines and reserved Rents as they shall think reasonable, to be paid by the Rebuilders of the said Houses and Buildings to the Proprietors or Owners neglecting or refusing to rebuild the same as aforesaid; and upon Payment or Satisfaction, of what shall be so awarded and determined, or upon Tender and Refusal thereof, the Interests of all Persons, Bodies Politick and Corporate, in the said Grounds and Premises, shall be bound and concluded, and the same shall remain to and for such Uses and Purposes, consistent with the Directions of this Act, as the said Court shall order and direct; and the said Court shall have Power and Authority from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, or that shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons, who being required to give Evidence before the said Jury, touching the said Premises, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence, and from Time to Time to levy such Fine or Fines by Warrant of Distress, under the Hands and Seals of any Seven or more of the said Commissioners, and Sale of his and their Goods and Chattels, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, so as no such Fine shall exceed the Sum of Five Pounds upon such Sheriff, or his Under-sheriff, and Forty Shillings upon any other Person, for any one Offence; and all such Fines shall be applied and paid into the general Fund raised and collected for the Benefit of the Sufferers by the said Fire.

Court may fine the Sheriff, his Officer, or Jury, making Default in the Premises, and also on Witnesses summoned and refusing to appear and give Evidence.

Streets and Passages may be enlarged under certain Restrictions.

Places to be enlarged.

VII. And be it further enacted by the Authority aforesaid, That the said Court shall from Time to Time order and decree the Enlargement or Alteration of any of the Streets, Lanes, Roads, and Passages, or other Places of publick Use for the better Conveniency thereof: Provided always, that the said Orders shall not extend to the pulling down or demolishing of Houses heretofore built, and which were not in any Degree or at least not materially damaged by the said Fire; and provided also, that the said Orders shall not extend to the taking away the Ground or Soil of any Person or Persons, Bodies Politick or Corporate, or others, otherwise than to enlarge or alter the Passages, Streets, and Places herein-after particularly mentioned and described (that is to say) to enlarge and widen the principal Street, being Part of the great Western Road leading from the City of *Exeter* to the Borough of *Plymouth*, to the Extent of Sixteen Feet on each Side of the Crown or Centre of the said Street, making a clear Space of Thirty-two Feet, according to a Line already marked out by the Committee and principal Inhabitants of the said Town, and agreed to by the respective Owners of the Sites of Houses which border upon the said Street (that is to say) on the Northern Side of the said Street from a Dwelling House of *John Smallridge*, occupied by *James Babbage* and others, at the Eastern Extremity of the Fire to the End of the Parish Workhouse on the West, both Houses inclusive; and on the Southern Side of the said Street from a Dwelling House of *Oliver Plymsole*, occupied by *William Lemon*, at the Eastern Extremity of the Fire, to a Dwelling

Dwelling House of *Joseph Collings*, occupied by *William Greeaway*, on the West, both Houses inclusive: Provided also, that it shall and may be lawful for the said Court to allot and assign to the several Proprietors of the said Grounds, Houses, and other Buildings, according to their respective Interests therein, such Satisfaction as to the said Court shall seem meet; and in case the said Proprietors will not, or through any such Disability or other Impediment as before in this Act is expressed, cannot submit to the Decree of the said Court, that in such Case the said Court shall in the Manner above prescribed, and pursuant to the Directions herein-before given, cause a Jury to be summoned, which Jury shall appear under the Penalties above-mentioned in default of Appearance, and on their Oaths, to be administered as aforesaid, assess such Recompence and Satisfaction as they shall adjudge reasonable to be awarded to such Proprietors for the said Houses and Premises; and upon Payment or Satisfaction of what shall be so awarded, or Tender and Refusal thereof, the Interests of the said Proprietors shall be bound and concluded; and the said Premises shall remain to and for such Uses and Purposes, consistent with the Directions of this Act, as the said Court shall direct.

Court empowered to assign the Satisfaction to be paid to the Proprietors for their Interests in the Grounds, &c.

VIII, And be it further enacted, That if any Money shall be agreed or directed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be paid under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Purchase of the Land Tax or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Messuages, Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated

Application of Compensation when amounting to 200l.

consolidated or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation is less than 200l. and exceeds 20l.

IX. Provided always, and be it further enacted, That if any Money so agreed or directed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politick, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is less than 20l.

X. Provided also, and be it further enacted, That when such Money, so agreed or directed to be paid as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or directed to be paid for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case the Person or Persons to whom such Sum or Sums of Money shall



shall be so awarded or directed to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the Sum or Sums of Money so awarded or directed to be paid as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum, or Sums into the Bank as aforesaid.

XII. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession shall be deemed well entitled, unless the contrary be shewn.

XIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall

[*Loc. & Per.*]

19 F

The Court may order reasonable Expences of Purchases to be paid by Commissioners.

be

be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Grounds added to the Streets not to be built on.

XIV. And be it enacted by the Authority aforesaid, That all the Ground and Soil upon which the Houses, Tenements, and other Buildings, so to be taken in and added to the said Streets and other Places of publick Use, now stand or formerly stood, shall for the future be deemed and used as Parts of the said Streets and other Places, in or adjoining to which the same Ground or Soil do or shall respectively lie; and that no Building whatsoever shall hereafter be erected upon or over the same Ground or Soil, or any Part thereof.

Provision with respect to rebuilding, where any Copartners, joint Tenants, Tenants in common, shall be desirous of so doing.

XV. And be it further enacted by the Authority aforesaid, That in case it shall happen that there were Two or more Copartners, joint Tenants or Tenants in common of any House or Houses burnt or demolished by the said late Fire, or that Two or more Persons, Bodies Politick or Corporate, had several Estates or Interests in several Rooms, Stories, or Parts of any such House or Houses burnt or demolished, and that some One of them is desirous and willing to build the same, or such Part, Room, or Story of or in the same, as to him, her, or them doth or may appertain according to his or their Estate or Interest as aforesaid; and that any other of the Copartners, joint Tenants, Tenants in common, or others having such several Estate or Interest as aforesaid in any of the Rooms, Stories, or Parts thereof, shall delay or refuse to join in building the same, or to contribute and continue his, her, and their reasonable Part and Portion towards the Charge thereof, or shall by Disagreement among themselves obstruct or hinder the making of Party Walls entire and upright, that then it shall and may be lawful to and for any One or more of such Copartners, joint Tenants, Tenants in common, or others having Estate or Interest in any of the Rooms, Stories, or Parts thereof as aforesaid, that will rebuild the said House or Houses, to cause such House or Houses to be wholly rebuilt in such Sort or Manner as the same was before the said late Fire, or as near thereunto as conveniently may be, Respect being had to the different Interests of the Parties concerned as aforesaid, and the same House or Houses so rebuilt to hold and enjoy to his, her, and their own proper Use and Benefit, until that he, she, or they shall be satisfied and reimbursed all or so much of the Charge of such Building as in a due Proportion ought to have been contributed and allowed towards the building thereof by such Copartners, joint Tenants, Tenants in common, or others having such Estate or Interest as aforesaid, according to his, her, or their Estate or Interest therein as aforesaid, together with Interest for the same after the Rate of Five Pounds *per Centum per Annum* for the Forbearance thereof, to be accounted from the covering of the said Building; and in case of Neglect or Refusal to satisfy and pay such

Rebuilder allowed 5l. per Cent. Interest; and if not paid within Two Years then upon Tender of the reasonable Worth of the Estate, he may hold the House in his own Right.

such Proportion of the Charge of rebuilding thereof by the Space of Two Years, to be accounted from the covering as aforesaid, that then it shall and may be lawful to and for the Rebuilders, from and after the End and Expiration of the said Two Years, to be accounted as aforesaid, paying to such Copartners, joint Tenants, Tenants in common, or others having such Estate or Interest therein as aforesaid, so much as such their Estate or Interest shall be reasonably worth, or upon Tender and Refusal thereof, to hold and enjoy such House or Houses so rebuilt as aforesaid, wholly and entirely against the Parties so refusing, their Heirs, Executors, Administrators, Successors, and Assigns, for and during the Continuance of such Joint or other Estate or Interest aforesaid, as the Party or Parties by whom such House or Houses shall be so rebuilt had in the same, or in any Room, Story, or any Part thereof; and in case any Difference shall happen between such Builders and any of the Parties refusing to build as aforesaid, concerning the Charge of rebuilding the same, or concerning the Value of the Estate or Interest of the Parties so refusing to build as aforesaid, and what Money ought to be paid or given for the same by such Rebuilder, after such Time and in Manner aforesaid; or in case of any Disagreement among the respective Owners having several Estates or Interests as aforesaid in any of the Rooms, Stories, or Parts of such House or Houses which may obstruct the making of Party Walls entire and upright, that then all such Disagreements and Differences shall be referred to the Examination of the said Court, who shall hear and finally determine the same; and in case any of the said Parties will not, or through any such Disability or other Impediment as before in in this Act expressed cannot submit to the Decree of the said Court, that in such Case the said Court shall, in the Manner above prescribed, and pursuant to the Directions herein-before given, cause a Jury to be summoned, which Jury shall appear, under the Penalties above mentioned on Default of Appearance, and on their Oaths to be administered as aforesaid, assess the Value of the Estate and Interest of the Parties so neglecting or refusing, and decree what Money ought to be paid for the same by such Rebuilders as aforesaid, and likewise what Satisfaction shall be made to any Person or Persons damaged by any Order touching the making of any Party Wall; and upon Payment or Satisfaction of what shall be so assessed or decreed, or Tender and Refusal thereof, the Interest of all such Parties so neglecting or refusing shall be bound and concluded, and the Premises shall remain to and for such Uses and Purposes, consistent with the Directions of this Act, as the said Court shall direct.

All Differences to be settled by the Court of a Jury.

XVI. Provided always, and be it enacted by the Authority aforesaid, That the said Commissioners shall not proceed to hear and determine any Differences and Demands touching or concerning the repairing or building of any Houses or other Edifices, or to grant Leases of any Houses, Buildings, Lands, or Appurtenances, or to appoint or decree any Fine or reserved Rent to be paid, or to take and give any Ground by Way of Exchange, or to order any Surrender or Surrenders to be made under the Authority of this Act, without previous Notice in Writing being given to the respective Parties interested in the Determination of such Differences or Demands, or in the granting such Leases, or the making such Exchanges, or in his, her, or their Absence, left at his, her, or their Place of Residence,

Thirty Days Notice to be given to the Parties interested, before the Court proceed to determine any Differences, &c.

dance, at least Thirty Days before their making any such Determination, Order, Regulation, or Decree as aforesaid.

Building  
Leases de-  
clared void  
where the  
Foundations  
shall not be  
laid within  
Six Months,  
and covered  
in within the  
Time limited  
by the Court.

XVII. Provided always, and be it enacted, That in case any Person or Persons, to whom any such Lease or Leases shall have been so made and granted by the Order and Direction of the said Court as aforesaid, shall not, within the Space of Six Months, to be computed from the Date of the said Lease or Leases, lay the Foundations of a Dwelling House or Dwelling Houses upon the Ground or Soil to him or them granted or leased, and shall not, within a reasonable Time to be limited by the said Court, cover in the same, that then the said Lease shall be and is hereby declared to be void; and the Lessee so making Default shall forfeit to the Lessor all such Sum or Sums of Money as shall have been paid by or be then due from such Lessee, for or in Consideration of such Lease.

All Buildings  
to be covered  
with Lead,  
Slate, or Tile,  
&c. or pro-  
ceeded against  
as Nuisances;  
and if not  
rectified after  
Notice given,  
the Offender  
to forfeit 10 s.  
per Week.

XVIII. And, for the preventing future Danger by Fire, be it further enacted by the Authority aforesaid, That all Houses, Outhouses, Walls, and other Buildings now standing and erecting since the late Fire, or hereafter to be built or repaired within and on such Parts and Places of the said Town as are herein-after particularly mentioned and described, shall be covered with Lead, Slate, or Tile, or any Plaister not being combustible and not otherwise (that is to say), all Houses, Outhouses, Walls, and other Buildings now standing erected since the said Fire, or hereafter to be built on any Part of that Piece or Parcel of Ground called or known by the Name of *The Market Place*, and also on any Part of the before mentioned principal Street, extending from the said *John Smallbridge's* and *Oliver Plymsole's* late Dwelling Houses at the East End of the said Town of *Chudleigh* to the said Parish Workhouse, and the said *Joseph Collings's* late Dwelling House at the West End of the said Town, all Four Houses included, and also on any Part of a Street or Lane called *Mill Lane*, from its Entrance at the Market Place to the Site of a Dwelling House of *Mrs. Mary Tuckett*, lately occupied by *Thomas Babbage* on one Side, and the Site of a Malt House belonging to and occupied by *John Tuckett* on the other Side; and also on any Part of a certain Piece or Parcel of Ground called *The Cottage*; and also on any Part of a Street called *Culver Street*, from its Entrance to the Market Place to the Site of a Stable belonging to *William Wright*, and occupied by *John Wright* on the one Side, and the Site of a Dwelling House belonging to and occupied by *James Hore* on the other Side; and also on any Part of a Street or Way called *Woodway*, leading from the said principal Street to the Site of a Dwelling House of *James Algar*, occupied by *John Hayes* on the one Side, and the Outhouses belonging to *Richard Taylor* on the other Side; and that all Houses, Outhouses, Walls, and other Buildings, of what Nature or Kind soever, now standing erected since the last Fire, or hereafter to be built or to be repaired, on any Part or Parts of the aforementioned Pieces or Parcels of Ground or Places, which shall be covered or repaired contrary to this Act; and all Houses built contrary to the Form, Order, and Direction of the said Court, shall be adjudged and are hereby declared to be common and publick Nuisances, and be proceeded against and dealt with accordingly; and if any Person being guilty of such Nuisance shall, for the Space of

One

One Calendar Month after Notice given by any One or more Justice or Justices of the County of *Devon*, refuse or neglect to remove, redress, and rectify the same, every Person so offending shall, for every Week such Nuisance shall continue unremoved and unrectified as aforesaid, forfeit a Sum not exceeding Five Pounds, to be recovered by Plaint, Bill, or Information, in any of His Majesty's Courts of Record, by any Person or Persons who shall sue for the same, with full Costs of Suit, in which no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed.

XIX. Provided always, and be it enacted, That no Proprietor or Owner of any thatched Houses, thatched Walls, or other thatched Buildings, which were not destroyed or consumed by the said late Fire within the Town of *Chudleigh* aforesaid, shall be compelled to cover the same with Lead, Slate or Tile, or Plaster, not being combustible as aforesaid, during the Space of Twenty Years, to be computed from the before-mentioned Twenty-second Day of *May* One thousand eight hundred and seven; nor shall any such thatched Walls, or other thatch Buildings above mentioned, be deemed common publick Nuisances, or be indictable or presentable as such, at any Time within the said Space of Twenty Years.

Thatched Buildings not destroyed by the late Fire to remain.

XX. And whereas great Apprehension of Fire arises from the Neglect of the Inhabitants of the said Town as well Lodgers and Inmates as Housekeepers, in not causing their Chimnies to be duly swept, be it therefore further enacted by the Authority aforesaid, That when and so often as any Chimney or Chimnies belonging to any House or Houses in the said Town shall be on Fire, the Inhabitant or Inhabitants, Occupier or Occupiers of any Room or Apartment to which any such Chimney belongs, being a Lodger or Inmate to or with any Tenant, Renter or Holder of any House or Building of which such Room or Apartment is part, or if such Chimney belong not to any such Lodger or Inmate, then the Tenant, Renter, or Occupier of the House or Building wherein any such Chimney shall be on Fire, shall pay to the Keeper of the Fire Engine in the said Town, or the Person appointed by him who shall help to extinguish any Fire happening or beginning in any Chimney as aforesaid, if such Engine be in good Order and complete, such Sum as One Justice of the Peace for the County of *Devon*, upon the Application and Complaint of such Engine Keeper or other Person as aforesaid, and hearing the Party or Parties complained against, shall under his Hand and Seal award and direct, not exceeding the Sum of Forty Shillings; and to the End the said Justice may be the better enabled to award and direct what may in any such Case be just and reasonable, such Justice shall and may summon before him, after any such Complaint made, the Party and Parties complained against, and all Persons fit to give Evidence touching the Premises of whom he shall have Notice or Information, and shall and may examine them and every of them upon Oath (which Oath such Justice is hereby empowered and required to administer); and if the Party or Parties complained against being summoned do not appear, the said Justice shall and may proceed to examine the Matter of the Complaint and such Evidence as is produced, and to make such Award and

Rewards for Chimnies on Fire are to be paid by Occupiers, &c.

Justice of Peace enabled to award the same.

[Loc. & Per.]

19 G

Direction

Direction thereupon as shall be just, and as if the Party or Parties making such Default of Appearance had been present and heard his, her, or their Defence; and if any Sum or Sums of Money so awarded and directed to be paid to any such Engine Keeper, or such Person as aforesaid appointed by him, be not so paid within Seven Days after Demand thereof made, it shall and may be lawful to and for such Engine Keeper, or other Person as aforesaid, by Warrant under the Hand and Seal of such Justice (which Warrant the said Justice is hereby authorized to make), to levy every such Sum or Sums as shall have been so awarded and directed by Distress and Sale of the Goods and Chattels of the Party or Parties making Default of Payment, or of any Goods and Chattels found in the Room or Apartment to which such Chimney where such Fire began belongs, or in any other Part of any House or Building whereof such Room or Apartment is Part.

To be levied  
by Distress.

The Court  
may order  
the Ground in  
the principal  
Street near the  
Centre of the  
Town to be  
raised and  
filled up, &c.

XXI. And, forasmuch as great Inconvenience has been experienced by the Inhabitants of the said Town by the frequent Overflowing of the Rain and Pot Water in the said principal Street near the Centre of the said Town; therefore, to remedy the same, be it enacted by the Authority aforesaid, That the said Court shall have Power and Authority to direct and order the Ground in the said principal Street, extending from the East End of the Site of a House lately occupied by *Richard Taylor*, Postmaster, to the West End of the Site of a House lately occupied by *Thomas Martin*, to be raised and filled up so many Feet as shall be necessary for the Purpose of making a Drain or Sewer of sufficient Size to carry off the said Water from the said Street, by and at the Expence of the Householders Inhabitants of the said Town, and such Drain or Sewer to be from thenceforth for ever thereafter repaired, scoured, and maintained by and at the like Expence of the said Householders Inhabitants of the said Town, and in such Manner as the said Court shall direct or appoint, such Expences to be from Time to Time paid and defrayed by such Householders Inhabitants of the said Town, by a Rate to be made upon them in proportion to the Rates upon them respectively assessed towards the Maintenance of the Poor of the Parish of *Chudleigh* aforesaid, under the Authority and Direction of the said Court during its Existence by virtue of this Act, and afterwards under the Authority and Direction of Two of His Majesty's Justices of the Peace for the said County of *Devon*, and the same to be from Time to Time levied upon such Householders Inhabitants of the said Town, neglecting or refusing to pay the Rate or Rates to be rated or assessed upon him, her, or them, for or in respect of such Drain or Sewer, or the making, repairing, securing, or maintaining the same, as before mentioned, by Warrant under the Hand and Seal of One of His Majesty's Justices of the Peace for the said County of *Devon* (which Warrant the said Justice is hereby authorized to make), by Distress and Sale of the Goods and Chattels of the Party or Parties making such Default of Payment as last mentioned.

Persons leav-  
ing Waggon  
or Carts, or  
laying Rub-  
bish down in  
the Streets,  
subjected to  
Penalties.

XXII. And, forasmuch as great Inconvenience has been experienced by Travellers and others in passing through the said Town in consequence of the common Practice of setting or leaving Waggon and Carts, and laying Stones, Timber, Dung, Rubbish, and other Obstructions and Nuisances

Nuisances in the said Streets; therefore, to remedy the same, be it enacted by the Authority aforesaid, That if any Person or Persons shall set or leave any Waggon or Cart in the said Street (longer than a reasonable Time for the Purpose of loading or unloading the same), or shall lay any Stone, Timber, Dung, Rubbish, or other Obstructions or Nuisances in the said Streets, he, she, or they so offending shall, on Conviction before One Justice of the Peace, by the Oath of One Witness, forfeit the Sum of Ten Shillings, to be levied by Distress and Sale by Warrant of such Justice, of which Fine Half shall be paid to the Informer, and Half to the Poor of the said Parish of *Chudleigh*; and in default of Payment, the Person so offending shall be committed to the House of Correction for the Space of One Week; and that no Inhabitant of the said Town shall be incompetent to be a Witness by reason of his being such Inhabitant.

XXIII. And be it further enacted, That where any Person or Persons, Bodies Politick or Corporate or Trustees shall be ordered or decreed to build any House or other Edifice, make any Surrender or Surrenders or give Security, or do any other Matter or Thing so to be decreed or ordered in pursuance of this Act, it shall be lawful to and for every Person or Persons, Bodies Politick or Corporate, concerned in the Default thereof, by his Action upon the Case in any of His Majesty's Courts of Record at *Westminster*, to recover his Damage for Non-performance thereof; or at his Election, to have and maintain his Bill in Equity for the Performance thereof in Specie; and where any Person or Persons shall be ordered or adjudged to abate any Annoyance or Purpresture, and shall refuse or neglect to do the same by such a Day or Time as by the said Order or Decree shall be enjoined, the said Person or Persons so offending shall and may be indicted for such his Obstinacy and Contempt.

Actions may be brought for Recovery of Damages, &c.

XXIV. And be it further enacted by the Authority aforesaid, That where any Person or Persons, Bodies Politick or Corporate, shall be ordered or decreed by the said Court to pay any Sum or Sums of Money, it shall be lawful for the Party or Parties concerned, upon Non-payment thereof, to bring any Action at the Common Law for Recovery thereof, and to give such Order or Decree in Evidence to prove the same; in which Action no Effoign, Protection, or Wager of Law shall be allowed.

Actions may be brought for Non-payment of Money decreed by the Court.

XXV. And, for the better Satisfaction of Builders, Purchasers, and others concerned, be it enacted by the Authority aforesaid, That all and every Judgement, Order, and Decree so made as aforesaid, shall be good, valid, and effectual, both at Law and in Equity, to all Intents and Purposes, and shall be obeyed by all Persons concerned therein, and shall bind and conclude Infants, Females Covert, Idiots, Persons of nonsane Memory or beyond the Seas, Tenants in Tail, Bishops, Deans, and Chapters, and all other Ecclesiastical Persons, and all other Persons, Bodies Politick and Corporate whatsoever, their Heirs, Executors, Administrators, Successors, and Assigns, subject nevertheless to the Appeal and Determination hereinafter mentioned.

Orders and Decrees of the Court valid.

XXVI. And be it also enacted by the Authority aforesaid, That it shall be lawful for any Person or Persons, thinking themselves aggrieved by

But where an Appeal shall be made, the any Justices of

Assize are to  
review and  
determine  
the same.

any Order or Decree of the said Court, to present his, her, or their Exceptions to the same in Writing to the Justice or Justices of Assize for the said County of *Devon* in their Circuit next after the making such Order and Decree, who shall and are hereby empowered and directed to consider and review the said former Order or Decree; and upon Examination on Oath of the Parties, and such Witnesses as shall be produced, to reverse, confirm, enlarge, diminish, or otherwise alter any such Order or Decree; and if such Justice or Justices of Assize shall see Cause to award Costs against such Appellants for their Vexation and Delay, and to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender, rendering the Overplus (if any be) to the Owner; and that his or their Determination shall be final, and shall bind and conclude Infants, Females Covert, Idiots, Persons of non-sane Memory or beyond the Seas, Tenants in Tail, Bishops, Deans, and Chapters, and all other Ecclesiastical Persons, and all other Persons, Bodies Politick and Corporate whatsoever, their Heirs, Executors, Administrators, Successors, and Assigns; and that no Writ of Error or *Certiorari* shall be granted or issue for the Removal or Reversal of the same: Provided always, that such Appeals shall be completely finished and determined within the Space of One Year next following after the Delivery of such Exceptions as aforesaid.

Orders and  
Decrees of  
the Court to  
be entered in  
a Book.

XXVII. And, for the perpetuating the said Judgements, Orders, and Decrees, be it further enacted by the Authority aforesaid, That the same shall be fairly entered in One or more Book or Books, and be subscribed with the Names of the Persons that made the same respectively; and that the said Book or Books be delivered into the Portreeve of the said Town of *Chudleigh* for the Time being, to the End that the same may be safely kept and preserved among the Records of the said Town for ever; and all Persons concerned shall have free Liberty of Recourse and Access unto the said Books, to peruse the same from Time to Time as Occasion shall require; and the said Commissioners, or any Seven or more of them, are hereby required to sign and seal a Duplicate of the said Judgements, Orders, and Decrees, and to deliver the same to be entered and recorded with the Clerk of the Peace for the said County.

Commission-  
ers to take the  
following  
Oath.

XXVIII. Provided always, and it is hereby enacted, That Two of the Commissioners herein constituted and appointed for executing the Purposes of this Act, shall, on or before the First Day of *August* One thousand eight hundred and eight, take the Oath following before One of His Majesty's Justices of the Peace; and that all the said Commissioners, before they execute any of the Authorities or Powers in this Act mentioned, shall take the Oath following before any Two of the said Commissioners who have themselves been first sworn, which Oath they are hereby empowered to administer:

Oath.

‘ I *A. B.* do swear, That I will justly and truly execute the Powers and  
‘ Authorities reposed in me as a Commissioner, by virtue of an Act  
‘ passed in the Forty-eighth Year of the Reign of King *George* the Third,  
‘ intituled, [*here set forth the Title of the Act*] according to the best of my  
‘ Knowledge, without Favour or Affection to any of the Parties concerned.  
‘ So help me GOD.’

XXIX. And



XXIX. And whereas divers Sums of Money have been raised and contributed for the Relief of the Sufferers by the said Fire, and for other Purposes, which Monies have been paid over to the Reverend *Gilbert Barrington*, Vicar of *Cbudleigh*, appointed Treasurer to receive and contribute the same by the aforesaid Commissioners, or any Seven or more of them, forming a Committee for the said Sufferers; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful for the said *Gilbert Barrington*, and his Executors or Administrators, from Time to Time to account to and with the said Commissioners hereby authorized to put this Act in Execution, or any Seven or more of them, other than and except himself the said *Gilbert Barrington*, for all and every Sum and Sums of Money already received or paid or hereafter to be received or paid on Account of the said Sufferers, or any other Account, by the Order or Direction of the said Committee, which Accounts, being allowed and signed by any such Seven or more of the said Commissioners so hereby authorized, shall be final and conclusive to all Persons whatsoever; and the said *Gilbert Barrington*, and all and every other Person and Persons through whose Hands the Monies so to be accounted for shall have passed, their respective Heirs, Executors, and Administrators, shall be from thenceforth discharged thereof, and indemnified and saved harmless from any further or other Account to be given for the same.

Treasurer to account with the Commissioners for the Money contributed for the Relief of the Sufferers by Fire, and for other Purposes.

XXX. And be it enacted, That if any Person or Persons shall be sued or impleaded for any Matter or Thing done in the Execution or in pursuance of this Act, such Person or Persons may plead the General Issue, and give the Special Matter in Evidence; which Suit shall be commenced within Six Calendar Months from the Time such Cause of Action shall accrue, and not afterwards; and that such Action shall be laid in the said County of *Devon*, and not elsewhere; and if the Plaintiff shall be nonsuited, or a Verdict do pass against him, such Defendant shall have and recover his Double Costs.

General Issue.

Double Costs.

XXXI. Provided nevertheless, and it is hereby further enacted and declared, That the subject Matter or Dispute or Controversy depending before the said Court shall any Way concern the Estate or Interest of any Commissioner or Judge so concerned in Interest in the said Dispute or Controversy, he shall withdraw at the Time of the Debate of such Controversy, until it be determined by the Rest of the Commissioners or Judges of the said Court, they not being less than Seven in Number.

Judge of the Court when interested to withdraw.

XXXII. And it is hereby further enacted, That this Act, so far as the same relates to the preventing of future Danger by Fire, and continuing the Sewer and removing of Nuisances in the said Town as aforesaid, shall be and is hereby declared to be perpetual; and the Remainder of this Act shall continue in force for the Term of Ten Years, to be computed from the said Twenty-second Day of *May* One thousand eight hundred and eight, and from thence to the next Session of Parliament, and no longer.

Continuance of Act.

Publick Act.

XXXIII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices and other Persons whatsoever, without the same being specially pleaded.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1808.