



ANNO QUINQUAGESIMO

# GEORGI III. REGIS.

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## Cap. 146.

An Act for better and more effectually paving, lighting, cleansing, watching, and otherwise improving the Streets, Ways and other Public Passages and Places in the City and County of the City of *Exeter*. [2d June 1810.]

**W**HEREAS an Act was passed in the First Year of the Reign of 1 G. 3. c. 28. His present Majesty, intituled *An Act for enlightening the Streets within the City of Exeter and the Suburbs thereof*: And whereas another Act was passed in the Forty-sixth Year of the Reign of 46 G. 3. c. 39. His present Majesty, intituled *An Act for better repairing the Streets, Lanes and Passages within the City of Exeter and County of the said City, and for amending an Act passed in the First Year of His present Majesty, intituled 'An Act for enlightening the Streets within the City of Exeter and Suburbs thereof, and for the better Regulation of the Watch within the said City and County, and for otherwise improving the same.'* And whereas the Powers and Provisions of the said recited Acts have been found inadequate for the several Purposes thereby intended, and it is necessary that the same should be altered, amended and enlarged; and it would tend greatly to facilitate the Execution of the Purposes intended to be provided by the said recited Acts if the same were repealed, and further and better Provisions made for the paving, lighting, cleansing, watching and otherwise improving the said City of *Exeter* and County of the same City, and for the removing certain Encroachments and Nuisances therein: But as such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted;

[*Loc. & Per.*]

1 G. 3. &  
46 G. 3.  
repealed.

enacted; and 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 from and after the passing of this Act, the said recited Acts and all and every the several Powers, Provisions, Clauses, Matters and Things therein respectively contained, save and except so much of the said recited Act of the Forty-sixth Year aforesaid as relates to the ceasing of the special Obligations to repair therein mentioned, shall be and the same are hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

Appoint-  
ment of Com-  
missioners.

II. And be it further enacted, That the several Members of the Chamber or Common Council of the Mayor, Bailiffs and Commonalty of the City of *Exeter* for the Time being and their Successors (not being Justices of the Peace in and for the said City and County) the Venerable the Dean and Canons Residentiary of the Cathedral Church of *Saint Peter* in *Exeter* and their Successors, shall be and they are hereby appointed (together with the several Persons to be from Time to Time elected as herein-after mentioned) Commissioners for putting this Act and the several Powers herein contained into Execution.

Commission-  
ers for the  
Parishes.

III. And be it further enacted, That the Parishioners and Inhabitants in the several Parishes and Precincts within the said City and County of the same, shall and may meet together in the Church or Chapel belonging to their respective Parishes, or there being no Church or Chapel, then in the usual Place of public Meetings in the respective Parishes or Precincts, on the Third *Monday* after the passing of this Act, between the Hours of Ten and Twelve in the Forenoon, and at such their respective Meetings it shall and may be lawful to and for the major Part of such Parishioners and Inhabitants then and there assembled, to nominate and appoint such Number of Persons as herein mentioned to act as a Commissioner and Commissioners for such respective Parishes or Precincts in the Execution of this Act; (that is to say),

For the Parish of *Allhallows Goldsmith Street* One Commissioner.

For the Parish of *Allhallows on the Walls* Two Commissioners.

For the Parish of *Saint David* Three Commissioners.

For the Parish of *Saint John* Two Commissioners.

For the Parish of *Saint George* One Commissioner.

For the Parish of *Saint Kerrian* One Commissioner.

For the Parish of *Saint Martin* Two Commissioners.

For the Parish of *Saint Mary Arches* Two Commissioners.

For the Parish of *Saint Mary Steps* One Commissioner.

For the Parish of *Saint Olave* One Commissioner.

For the Parish of *Saint Pancras* One Commissioner.

For the Parish of *Saint Paul* Two Commissioners.

For the Parish of *Saint Petrock* Two Commissioners.

For the Parish of *Saint Stephen* Two Commissioners.

For the Precinct of *Bradnich* One Commissioner.

For the Precinct of *Bedford* One Commissioner.

For the Parish of *The Holy Trinity* Three Commissioners.

For the Parish of *Saint Mary Major* Two Commissioners.

For the Parish of *Saint Lawrence* Two Commissioners.

For the Parish of *Saint Sidwells* Three Commissioners; and  
For the Parish of *Saint Edmunds on the Bridge* One Commissioner.

And in case of an Equality of Votes in the Election of a Commissioner or Commissioners at any of the said respective Meetings of any of the said respective Parishes or Precincts, the Minister, Churchwarden, or other Person presiding at such Meeting shall have the casting Vote, and the Name of every such Person so elected a Commissioner for each respective Parish or Precinct shall be entered in a Book to be provided and kept for that Purpose by each Parish or Precinct in their public Chest; and every such Election shall, within Seven Days next after the same shall have been made, be certified to the Clerk or to any Five or more of the Commissioners acting in the Execution of this Act.

IV. Provided always, and be it enacted, That no Parishioner or Inhabitant shall vote at the Election of a Commissioner or Commissioners at any of the said respective Meetings of any of the said respective Parishes or Precincts, unless he is now or shall hereafter be rated or assessed at and after the yearly Rent or Value of Ten Pounds or upwards, or assessed to the Rates for lighting by virtue of this Act or the said recited Acts, and shall have paid such Rate for the Space of One Year immediately preceding such Election. Qualification  
of Voters.

V. Provided always, and be it further enacted, That in case the said Parishioners or Inhabitants of the said respective Parishes and Precincts or any of them shall neglect or refuse to elect a Commissioner or Commissioners as herein-before mentioned, then and in every such Case the other Commissioners nominated by and under the Authority of this Act shall proceed in the Execution of the Powers hereby granted, as fully and effectually as if the said Elections of all the Commissioners for the said Parishes and Precincts had actually taken place. If Parishion-  
ers do not  
elect. other  
Commission-  
ers to pro-  
ceed.

VI. Provided always, and be it further enacted, That when and as often as any Commissioner or Commissioners so elected by the Parishioners or Inhabitants of the said respective Parishes or Precincts shall die, resign, or refuse to act, or remove out of the said City and County of the same, or shall become a Magistrate or otherwise be disqualified from acting in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the Parishioners or Inhabitants of the Parish or Parishes, Precinct or Precincts, by whom such Commissioner or Commissioners was or were elected, and they are hereby required in Manner and Form aforesaid (at a Meeting to be holden for that Purpose, of which Seven Days' Notice shall be given by the Churchwardens of the said respective Parishes, or by any Two Inhabitants of the said respective Parishes or Precincts qualified to vote, by affixing the same to the Guildhall of the said City and to the Church Door of such respective Parishes), to elect another Person or Persons in the Room or Stead of the Commissioner or Commissioners so dying, resigning, or refusing to act, or removing or becoming a Magistrate or otherwise being disqualified to act as a Commissioner or Commissioners in the Execution of this Act, and so *toties quoties*; and every Person so elected shall be a Commissioner, and shall have the same Powers and Authorities for putting this Act into Execution as the Person in whose Room or Stead Re-election  
of Commis-  
sioners.

Stead he shall be so elected, had or was vested with, and shall be subject and liable to the same Rules, Regulations, Penalties and Forfeitures.

Qualification  
of Commis-  
sioners.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall be an Inhabitant of the said City of *Exeter* or County of the same, and shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments of the clear yearly Value of Fifty Pounds, or possessed of or entitled to a Personal Estate of Two thousand Pounds, or is now or shall hereafter be rated or assessed by virtue of this Act or the said recited Act of the Forty-sixth Year aforesaid for Lands, Tenements and Hereditaments within the said City and County of the same, at and after the yearly Rent or Value of Forty Pounds or upwards; and if any Person not being so qualified shall presume to act in the Execution of this Act, then and in every such Case every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty on Proof given of his having acted as a Commissioner in the Execution of this Act: Provided always, that in case any Commissioner or Commissioners appointed under this Act shall neglect to attend, for the Space of Two Years, a Meeting of the said Commissioners to be holden in Manner by this Act directed, such Neglect shall be and be deemed to be a Refusal to act in the Execution of this Act.

Commission-  
ers to take an  
Oath.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (save and except in appointing the First Meeting to be holden in pursuance of this Act in case the same shall not be holden on the Day herein appointed, and in administering the Oath or Affirmation herein mentioned to the other Commissioners) until he shall have taken and subscribed an Oath, or being one of the People called Quakers an Affirmation, before any Five or more of the said Commissioners at a public Meeting to be holden by virtue of this Act, who are hereby authorized and required to administer the same, and such Oath or Affirmation shall be in the Words following; (*videlicet*),

Oath.

‘ I *A. B.* do swear [*or, affirm*] that I now am *bonâ fide* in my own Right  
‘ [*or, in Right of my Wife*] in the actual Possession or Receipt of the  
‘ Rents and Profits of Lands, Tenements and Hereditaments of the clear  
‘ yearly Value of Fifty Pounds, or possessed of or entitled unto a Personal  
‘ Estate of Two thousand Pounds, or that I am now by virtue of an Act  
‘ passed in the Forty-sixth Year of the Reign of His Majesty King *George*  
‘ the Third [*or, of an Act passed in the Fiftieth Year of the Reign of His*  
‘ Majesty King *George* the Third, *as the Case may be*] rated and assessed for  
‘ Lands, Tenements and Hereditaments within the City and County of the  
‘ City of *Exeter*, at and after the yearly Rent or Value of Forty Pounds  
‘ or upwards; and that I will truly and impartially, according to the best  
‘ of my Skill and Judgment, execute and perform all and every the Powers  
‘ and

‘ and Authorities reposed in me in and by an Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*], without Prejudice or Malice, Favour or Affection, to any Person or Persons whomsoever.

‘ So help me GOD.’

IX. Provided always, and be it further enacted, That no Commissioner hereby appointed or hereafter to be appointed as aforesaid, shall be capable of acting or voting as such during the Time he shall enjoy any Office of Profit under the said Commissioners or be concerned in any Contract made by virtue of this Act, or in any Case wherein he shall be personally interested; and that at all Meetings to be holden in pursuance of this Act the Commissioners shall defray their own Expences.

No Commissioners to act while in Office or under Contract.

X. And be it further enacted, That the said Commissioners shall meet and assemble at the Guildhall of the said City of *Exeter*, upon the Fourth *Monday* after the passing of this Act, between the Hours of Ten and Twelve in the Forenoon, in order to put this Act into Execution, and shall afterwards meet at the same Place and between the Hours aforesaid, on the Second *Monday* in every Month, for the Purpose of carrying this Act into Execution, without any Notice being given to the said Commissioners of such Meeting.

Meeting of the Commissioners without Notice.

XI. Provided always, and be it enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to adjourn for any longer or shorter Space of Time than the Second *Monday* in every Month immediately subsequent to the last Meeting, or to any other Place or Places than the said Guildhall; but then and in every such Case Notice of such Adjournment in Writing (or printed) to which Notice the Name of the Clerk to the said Commissioners shall be affixed, shall be given to or left for the said Commissioners at their respective Places of Abode Forty-eight Hours at least before every such Meeting.

Commissioners may adjourn Meeting on giving Notice.

XII. And be it further enacted, That no Act of the said Commissioners shall be or be deemed to be good or valid unless made and done at a Meeting to be holden as aforesaid by virtue of this Act (except as may be herein excepted), and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall from Time to Time be exercised by the major Part of them present at any public Meeting, the Number present at such Meeting not being less than Five (except in such Cases where by this Act a greater Number is required), and all the Orders and Proceedings of the major Part of such Commissioners present at such Meetings shall have the same Force and Effect as if the same were made or done by all the Commissioners for the Time being, and at every such Meeting one of the said Commissioners to be appointed by a Majority of Commissioners present shall be a Chairman, and in all Cases the said Commissioners shall vote by Ballot in case the same shall be desired by any One or more of the said Commissioners then present; and in case of an equal Number of Votes upon any Question, including that of the Chairman, such Chairman shall have the decisive or casting Vote, and no Order made by the said Commissioners at any Meeting shall be revoked unless at a subsequent Meeting to be holden for that Purpose, of which Ten Days’

No Act valid unless at a Meeting.

[*Loc. & Per.*]

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Notice

Notice shall be given in manner aforesaid, and where Fifteen Commissioners at least shall attend.

Proceedings  
to be entered  
in a Book.

XIII. And be it further enacted, That there shall be provided and kept a proper Book or Books, in which fair and regular Entries shall be made of all Acts, Orders, and Proceedings relative to the Execution of this Act, and the Names of the Commissioners who shall be present at the respective Meetings to be holden in pursuance of this Act, and such Entries being signed by the Chairman of each respective Meeting, or by the Clerk to the said Commissioners, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Causes, Suits, and Actions, touching or concerning any thing done in pursuance of this Act; and such Book and Books shall at all the Meetings of the said Commissioners be open and liable to their Inspection, and to the Inspection of all Persons affected by this Act, without Fee or Reward.

Accounts to  
be made out  
annually.

XIV. And be it further enacted, That on or before the Thirtieth Day of *October* in every Year, a true Account shall be made and written of all Monies received and paid during the preceding Year, ending upon the Twenty-ninth Day of *September*, by virtue of this Act, and stating to and from whom the same have been paid or received, and for what Purposes, and a Copy or Duplicate of such Account shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons who shall pay any Rate or Assessment, to be levied and collected by virtue of this Act, or any Person on his, her, or their Behalf, to inspect the same at seasonable Times, paying the Sum of One Shilling and no more for every such Inspection, and the said Clerk shall upon Demand forthwith give Copies of the same, or any Part thereof, upon being paid at the Rate of Sixpence for every One hundred Words, and so in proportion for a less Number of Words, and an Abstract of such yearly Accounts shall be yearly printed, and Ten Copies thereof sent to each of the said Commissioners, and to the Churchwarden of the respective Parishes, and Two principal Inhabitants of the said Precincts, for the Inspection and Perusal of the Parishioners.

Commissioners  
may contract.

XV. And be it further enacted, That it shall be lawful for the said Commissioners to enter into any Contract or Contracts for paving, flagging, repairing, cleansing, watering, and lighting the several Streets, Highways, Lanes, public Passages and Places within the said City and County of the same, or any of them, or for furnishing Materials or any other Matters or necessary Things whatsoever, or for any other the Purposes of this Act, but before any such Contract or Contracts shall be entered into, Fourteen Days Notice at the least shall be given in some public Newspaper printed in the said City of *Exeter*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Commissioners at a certain Time and Place in such Notice to be mentioned, and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his or her Contract.

XVI. And be it further enacted, That no such Contract or Contracts shall be deemed good or valid, if the same shall have been made for a longer Space or Term than One Year, from the Time of entering into such Contract or Contracts.

Contracts not to be entered into for more than One Year.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons, on account of any Breach or Non-performance of such Contract or Contracts, for such Sum or Sums of Money as they the said Commissioners shall think proper, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Non-performance of such Contract or Contracts, and all Costs, Charges, and Expences which may be occasioned thereby.

Commissioners may compound for Breach of Contract.

XVIII. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works are to be completed and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, or any Seven or more of them, and also by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts shall be entered in a Book or Books, to be kept for that Purpose by the Clerk to the said Commissioners.

Contract to be signed by the Commissioners.

XIX. And be it further enacted, That all Contracts made under the Authority of the said recited Acts shall be and they are hereby ratified and confirmed; provided nevertheless, that nothing herein contained shall extend or be construed to extend to the confirming of any Contract for lighting which is not to be fully executed and completed before the Twenty-fourth Day of *June* in the Year of our Lord One thousand eight hundred and eleven, or to any other Contract which is not to be fully executed and completed before the Twenty-ninth Day of *September* next.

Contracts made to be confirmed.

XX. And be it further enacted, That each and every Collector, Treasurer, Clerk, or other Officer or Servant nominated or appointed by virtue of the said recited Acts, or either of them, shall hold and enjoy their several and respective Offices and Employments, together with the several and respective Salaries, Gratuities, and Allowances thereunto annexed, until he or they shall be removed therefrom respectively by the Commissioners acting by virtue of this Act; and every such Collector, Treasurer, Clerk, and other Officer and Servant shall be subject to the like Pains and Penalties and Power of Removal, and to the like Rules and Regulations as if he or they had been nominated or appointed by virtue of this Act.

Officers appointed by former Acts to continue until removed.

XXI. And be it further enacted, That the said Commissioners may and they are hereby empowered by Writing under their Hands to appoint a Treasurer or Treasurers, Clerk or Clerks, and also One or more Assessor or Assessors, Collector or Collectors, of the Rates or Assessments to be collected, levied, and raised by virtue of this Act, and also a Surveyor or Surveyors, and also such other Officers and Persons for the Execution of

Commissioners to appoint Officers, and to remove them, and allow them Salaries.

of

Commissioners to take Security from the Treasurer; Officers to account.

of this Act as they the said Commissioners shall think proper; and from Time to Time to remove such Officers and Persons respectively as they the said Commissioners shall see occasion; and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances to such Officers and other Persons as they the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his Office as they shall think proper; and all such Officers so to be appointed shall, under their Hands at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue of and for the Purpose of this Act, and how much thereof hath been expended and disbursed and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall on the Second *Monday* in the Month of *October* yearly, or at the First Meeting of the said Commissioners then next following (although not thereunto required by the said Commissioners), lay his Accounts before the said Commissioners, in order that the same may be audited, passed, and allowed by them if approved of, and all the said Officers so accounting as aforesaid shall upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, within Seven Days after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon a Complaint made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place, wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby required to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer can be found sufficient



sufficient to answer and satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Commissioners; provided that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Time than Six Calendar Months.

XXII. And be it further enacted, That all and every Treasurer and Treasurers, Surveyor and Surveyors, and all and every other Person and Persons appointed by virtue of or acting or who have acted in Execution of the said recited Acts, or either of them, who shall have in his, her, or their Custody or Power any Monies collected by virtue of, or any Books, Papers, or Writings relative to the Execution of the said recited Acts, or either of them, shall, when thereunto required by Notice in Writing, signed by any Five or more of the said Commissioners, given to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, within Seven Days after the Receipt of such Notice, deliver up to the said Commissioners, or to such Person or Persons appointed by them for that Purpose, at the Time and Place to be mentioned in such Notice, all the Monies received by him, her, or them by virtue of the said recited Acts, and all the Books, Papers, and Writings relating to the Execution thereof, and all the Accounts of the several Monies received or disbursed by him, her, or them, together with the Vouchers relating thereto, and every such Treasurer or other Person so accounting shall upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer) verify all their said Accounts; and if any such Treasurer or other Person shall refuse or wilfully neglect to make and render or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver up in Manner aforesaid all Books, Papers, and Writings relating to the Execution of the said recited Acts, or give Satisfaction to the said Commissioners, who are hereby authorized and required to settle and discharge the same, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place wherein such Treasurer or other Person so refusing or neglecting shall be or reside, upon Complaint made to him by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, and he is hereby authorized and required to issue a Warrant,

Officers acting under the Acts repealed, to account to the Commissioners under this Act.

[*Loc. & Per.*]

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under

under his Hand and Seal, for the Treasurer or other Person so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of the said recited Acts shall be due from such Treasurer or other Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Treasurer or other Person as aforesaid; and if no Goods and Chattels of such Treasurer or other Person can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling such Goods and Chattels, or if it shall appear to such Justice that such Treasurer or other Person shall have refused or neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of the said recited Acts, shall be in the Custody or Power of such Treasurer or other Person, and he or they shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction within the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and make Payment as aforesaid, or until he shall compound with the said Commissioners for the said Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall deliver up all such Books, Papers, and Writings, or give Satisfaction in respect thereof to the Commissioners; provided that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Time than Six Calendar Months: Provided also, that nothing herein contained shall extend to any Account settled and allowed according to and in pursuance of the said recited Acts at any Time previous to the passing of this Act: Provided also, that nothing herein contained shall extend or be construed to extend to enable the said Commissioners to call upon any such Treasurer or Treasurers, Surveyor or Surveyors, or other Person or Persons, for any such Monies, Books, Papers, Writings, Accounts or Vouchers, at any Time before the First Day of *August* next.

Officers taking any Fee or Reward besides Salary, or being concerned in Interest in any Bargain or Contract, shall be disqualified to be employed under this Act.

XXIII. And be it further enacted, That if any Clerk, Collector, Surveyor, or any other Officer or Servant employed by the said Commissioners in putting this Act or any of the Powers thereof in Execution, shall exact, take, or accept any Fee or Reward whatsoever other than such Salaries, Allowances, and Rewards as shall be appointed and allowed to them respectively by the said Commissioners for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to the putting this Act into Execution, or shall in anywise be concerned or interested in any Bargain or Contract made or to be made by the said Commissioners for any of the Purposes of this Act, every such

Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, or upon Verdict or Judgment being had against him in such Action as next herein-after mentioned, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall over and above forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed, in which no Essoign, Protection, or Wager of Law, or more than One Imparlanche shall be allowed.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby empowered, by an Order or Orders in Writing under the Hands of Five or more of the said Commissioners, and countersigned by their Clerk at any public Meeting, to direct their Treasurer or Treasurers from Time to Time to pay such Sum or Sums of Money out of the several Monies borrowed, raised, levied, and collected by virtue of this Act, and paid to or received by such Treasurer, to such Person or Persons, and in such Manner as they the said Commissioners shall think necessary and expedient for the Purposes of this Act; and upon the Receipt of such Order or Orders such Treasurer and Treasurers is and are hereby authorized and required to pay from Time to Time the Sum or Sums of Money expressed in such Order or Orders; which Sum or Sums so paid shall be allowed to the said Treasurer and Treasurers in his or their Account.

Treasurer to pay Money to the Order of the Commissioners.

XXV. And be it further enacted, That all the present and future Pavements in the several Streets, Highways, Lanes, and other public Passages and Places within the said City, and the Stones, Gravel, and other Materials of which, as well the Footways as Carriageways of such Streets, Highways, Lanes, and other public Passages and Places, do and shall consist, and also all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in or from the said Places, or any of them, and also all Lamps, Lamp Iron, Lamp Posts, Watch Boxes, Watch Houses; and other Houses and Buildings which now are or shall hereafter be used, erected, or fixed up by virtue of this Act, and all the Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong to and be the Property of and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the prosecuting of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictments respectively, it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are "the Property of the Commissioners for the Improvement of the City of *Exeter* and County of the same City," without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes

Pavement, &c. vested in the Commissioners.

Penalty for  
damaging  
Materials.

poses of this Act, all or any of the said Articles or Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as they the said Commissioners shall think proper; and if any Person or Persons shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Articles or Things hereby vested in them the said Commissioners, or any of the Works done by them in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay such Sum and Sums of Money as shall be a full Satisfaction for the Damages so by him or her done as aforesaid, and such Damages shall be ascertained by and may together with the said Penalty be recovered before any Justice of the Peace for the said City of *Exeter* and County of the same City; and in case such Offender shall not on Conviction pay such Forfeiture, and also such Satisfaction as aforesaid, the Justice before whom such Conviction shall take place shall be and is hereby required to commit such Offender to the Common Gaol or House of Correction of and for the said City and County, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months; and such Offender shall not be discharged before the Expiration of the Time for which he shall be so committed, unless such Penalty and Satisfaction shall be sooner given.

Where Mate-  
rials for pav-  
ing may be  
lodged.

XXVI. And be it further enacted, That during the Time any Street, Lane, public Passage or Place shall be new paving, flagging, or repairing, or any of the Grates, Drains, or other Sewers therein shall be altering or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Street, Lane, public Passage or Place, or Streets, Lanes, public Passages or Places, according to their Discretion, as also to stop up the Way through that or any adjacent Street, Lane, public Passage or Place, so long as they shall judge necessary; and the said Commissioners, and all Persons acting under the Directions of the said Commissioners, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

Paviors and  
Carters to be  
appointed,  
and Horses  
hired or  
purchased.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to appoint such and so many Paviors, Artificers, Workmen, Carters, and others, and also to purchase or hire any Horses, Carts, Tools, and Implements, as they shall judge necessary for the Purpose of carrying this Act into Execution.

Commission-  
ers empow-  
ered to pave,  
&c.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, and at all Times hereafter when they shall think proper, to order and direct all or any of the several Streets, Highways, Lanes, public Passages and Places of the said City and County of the same, or any Part or Parts thereof, except as herein excepted, to be new paved, flagged, repaired, and amended, and the Pavements and Flaggings thereof to be taken up and re-laid, and the Ground thereof to be raised, lowered, or altered from Time to Time, in such Manner and with such Materials as they shall think fit; and cause to be cut or made in, through, over, or under any such Streets, Highways, Lanes, public Passages and Places, any Sewers, Drains, Sinks, Gutters, or Watercourses, and Grates to be placed for conveying the Water from such Streets, Highways, Lanes, public Passages and Places,  
in

in such Manner as they shall think proper ; and it shall and may be lawful to and for the said Commissioners to take up and remove or cause to be taken up and removed all or any Posts, Rails, Pales, or Trees in such Streets, Highways, Lanes, public Passages or Places, or any of them, as they the said Commissioners shall judge useless or to be a Nuisance either to the Foot Passengers or Carriages.

XXIX. And be it further enacted, That it shall and may be lawful for the Owners or Occupiers of any Houses or Buildings within the said City and County of the same, at their own Expence, but with the Consent in Writing of Five or more of the said Commissioners, and in such Manner as they shall direct, to cause to be made proper Sinks, Sewers, Gutters, Drains, and Watercourses for conveying the Water off and from such Houses and Buildings into any of the public Sewers within the said City and County, or to contract with the said Commissioners for the same being done by them ; and all such private Sewers, Sinks, Drains, and Watercourses now made or hereafter to be made, shall from Time to Time be repaired or renewed by the Owners or Occupiers of the Houses or Buildings to which the same do or shall belong, under the Direction of the Surveyor or proper Officer of the said Commissioners.

Inhabitants  
to make  
Drains into  
the present  
Sewers with  
the Consent  
of the Com-  
missioners.

XXX. And be it further enacted, That if any Person or Persons shall take up or cause to be taken up, or make or cause to be made any Alteration in the Form of the Pavement or Flagging, or of any Part thereof, in any of the said Streets, Lanes, public Passages or Places within the said City of *Exeter* and County of the same City, without the Consent in Writing thereto of the said Commissioners, or any Five or more of them, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds ; and in case the Person or Persons so taking up or altering any such Pavement or Flagging, or any Part of the same respectively, shall not within Two Days after Notice in Writing by the Surveyor to the said Commissioners, given to or left at the last or usual Place or Places of Abode of such Person or Persons, cause the same Pavement or Flagging respectively which shall have been so altered or taken up to be reinstated and put into its former State, then and in every such Case the Surveyor to the said Commissioners shall cause the same to be so done, and the Costs and Charges thereof shall be borne and paid by the Person or Persons who shall have taken up or altered such Pavement or Flagging, or any Part thereof respectively ; and in case of Nonpayment thereof on Demand to the said Surveyor, or other Person acting by or under the Authority of the said Commissioners, such Costs and Charges shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

No Person  
to alter the  
Pavement.

XXXI. And be it further enacted, That whenever the Pavement or Flagging of any of the said Streets, Lanes, public Passages or Places within the said City and County of the same, shall be broken up for the Purpose of laying, altering, or repairing any Water Pipe or Pipes, Plug or Plugs, or other Waterworks, or by the Defect or Decay thereof, or for the Purpose of making or repairing any Vault, Drain, or Sewer under the said Streets, Lanes, public Passages or Places, or any of them, or for any other lawful

For repairing  
the Pavement  
when broken  
by Water  
Pipes or de-  
cayed, &c.

Purpose, the Person or Persons breaking up the same, or liable to the Repair of such Water Pipe or Pipes, Plug or Plugs, or Waterworks, Vaults, Drain, or Sewer, and the Person or Persons for whom or by whose Order the same shall be so done, shall, and he, she, or they is and are hereby required, at their own proper Costs and Charges, to alter, lay, make, or repair such Water Pipe or Pipes, Plug or Plugs, or other Waterworks, Vault, Drain, and Sewer without the least Delay, and forthwith afterwards to relay, amend, and repair the Pavement of the said Street, Lane, public Passage or Place so broken up, in a good and substantial Manner, to the Satisfaction of the said Commissioners or their Surveyor appointed for the Purposes of this Act; and in default thereof it shall and may be lawful to and for the said Surveyor to the said Commissioners, or any Person or Persons acting by and under the Authority of the said Commissioners, to repair and make good the Street, Lane, public Passage or Place so broken up, and the Costs and Charges thereof shall be paid and borne by the Person or Persons by whom or by whose Order such Street, Lane, public Passage or Place, or any Part thereof, shall have been so broken up; and in default of Payment thereof for Ten Days next after Demand shall be made by such Surveyor, or other Person acting by or under the Authority of the said Commissioners, such Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered in such and the like Manner as any Penalty can or may be levied and recovered by virtue of this Act, from the Person or Persons so making such Default.

Situation of Water Pipes may be altered at the Expence of the Commissioners.

XXXII. And be it further enacted, That if for the Purposes of this Act it shall at any Time or Times be deemed necessary and expedient by the said Commissioners to raise, sink, or otherwise alter the Situation of any Water Pipe or Pipes, Plug or Plugs, or other Waterworks within the said City and County of the same, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered so to do or cause the same to be done, when and as often and in such Manner and in such Place or Places as they the said Commissioners, or any Five or more of them, shall think right and proper, provided that the Water Pipe or Pipes, Plug or Plugs, or other Waterworks, be not injured thereby, or the Water prevented from flowing in its proper Channel; and the Costs, Charges, and Expences attending such raising, sinking, and altering, shall be paid out of the Money arising by virtue of this Act by the said Commissioners.

Recompence to be made for Damage done to Water Pipes.

XXXIII. Provided always, and be it enacted, That if by the new paving or repairing any of the said Streets, Lanes, public Passages and Places, any Damage or Injury shall be done to any Pipe or Pipes used or to be used for the Conveyance of Water for the Use of the Inhabitants of the said City and County of the same, or to the Plug or Plugs, or any other Work belonging thereto, then and in every such Case such Damage or Injury shall be made good as soon as Circumstances permit; and the Costs, Charges, and Expences thereof shall be paid by the said Commissioners, by and out of the Monies arising by virtue of this Act.

Streets to be named.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to describe and determine the

the Limits of the several Streets, Lanes, public Passages or Places within the said City and County of the same, in such Manner as they shall think proper; and shall and may paint, engrave, or describe, or cause to be painted, engraved, or described, on a conspicuous Part of some House or other Building at or near the Corner of every such Street, Lane, public Passage or Place, the Name by which such Street, Lane, public Passage or Place now is or shall be called; and may order and direct the several Houses, Shops, Warehouses, and Buildings within the said several Streets, Lanes, public Passages and Places, or any of them, to be numbered with Figures, painted or placed on the Door of every such House, Shop, Warehouse, or other Building, or such Part thereof as the said Commissioners shall think proper; and if any Person shall wilfully destroy, obliterate, or deface any of such Numbers or Names, or any Part thereof, or cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXXV. And be it further enacted, That whenever any Number or Numbers, Figure or Figures, painted or put on any House, Shop, Warehouse, or other Building within the said City or County of the same City, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers, of such House, Shop, Warehouse, or other Building, where the Number or Numbers, Figure or Figures, shall have been so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Shop, Warehouse, or other Building, signed by the Clerk to the said Commissioners, cause the same Number or Numbers, Figure or Figures, to be in the same or like Manner painted or put on such House, Shop, Warehouse, or other Building, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty on  
Owners not  
restoring  
Numbers.

XXXVI. And be it further enacted, That the Surveyor appointed by the said Commissioners by virtue of this Act, or such Person or Persons as the said Commissioners or such Surveyor shall employ or appoint, having an Order in Writing for that Purpose, made at a Meeting of the said Commissioners and subscribed by their Clerk, is and are hereby authorized to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Sand, Clay, Chalk, or other Materials for the Purpose of paving, flagging, mending, or repairing any of the said Streets, Highways, Lanes, public Passages and Places, out of or from any Lands or Grounds situate in the City of *Exeter* and County of the same (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleasure Ground, Avenue, or Nursery for Trees), such Surveyor or other Persons paying or tendering to the Owners or Occupiers of such Lands and Grounds, for such Materials and for Damage done to such Lands or Grounds, such Recompence and Satisfaction as shall be agreed upon by the said Commissioners and such Owners and Occupiers, or (in case of any Difference touching the Amount of such Recompence and Satisfaction) as shall be settled and determined by the Justices assembled at a General Quarter Sessions of the Peace for the said City and County, who shall in a summary Way settle and determine the same, and award Costs to either Party, and the Judgment or Order of such

Power to  
take Mate-  
rials.

such Justices therein shall be final and conclusive to all Parties; and the said Commissioners shall have full Power and Authority to cause to be dug, carted, and carried out of or brought into the said Streets, Highways, Lanes, public Passages and Places, such Gravel, Stones, Sand, Clay, Chalk, and other Materials.

Notice to be given before Materials are taken.

XXXVII. Provided always, and be it further enacted, That it shall not be lawful for any Person under the Authority of this Act to dig, gather, take, or carry away any Materials for any of the Purposes aforesaid from any inclosed Lands, until Notice in Writing, under the Hands of Five or more of the said Commissioners, shall have been given to the Occupiers of such Lands, or left for him or her at his or her last usual Place of Abode, to appear before the said Commissioners, or Two Justices of the Peace for the said City and County of the same, at such Time and Place as shall be mentioned in such Notice, to shew Cause why such Materials should not be had from such Lands; and in case such Occupier shall attend pursuant to such Notice, the said Commissioners or Justices shall if they think fit, after having heard the Matter, authorize any such Person as aforesaid to dig, gather, take, and carry away such Materials at such Time and Times as the said Commissioners or Justices shall think proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Commissioners or Justices shall and may make such Order as they respectively shall think fit, as fully and effectually to all Intents and Purposes whatsoever, as if such Occupier or his Agent had attended.

Lamps to be set up.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, and at any Time or Times after the passing of this Act, to purchase and provide such and so many Glass Lamps of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and Matters and Things for lighting such Lamps as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls or Palisades of all or any of the Houses, Tenements, or Buildings, or against any other Walls within the said City and County of the said City, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or removed when and as often as they shall think fit, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings and such Hours of the Evening, and to be kept burning for so many Hours, as shall to them the said Commissioners seem necessary or proper for the well and sufficient lighting of all or any of the said Streets, Lanes, public Passages and Places within the said City and County of the same.

Penalty for wilfully breaking Lamps.

XXXIX. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps already erected or which shall be erected by or by Order of the said Commissioners, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, public Passages and Places, or any Post, Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall and may be lawful to and for any Justice of the Peace for the said City of *Exeter* and County of the same, and he is hereby required, upon Complaint to him made by any One or more credible

Witness



Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act without any other Warrant to deliver him or them into the Custody of a Peace Officer in order to be secured and conveyed before some Justice of the Peace for the said City of *Exeter* and County of the same; and on the Party or Parties accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence, and if the Party or Parties accused shall be convicted of such Offence either by his, her or their Confession or upon such Evidence as aforesaid, then and in every such Case he, she or they shall for each and every such Offence respectively, and if more than One shall severally forfeit and pay any Sum not exceeding Five Pounds, and shall besides make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners or other Party injured for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her or them incurred, and also such Satisfaction as aforesaid, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction of the said City and County of the same, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she or they shall be so committed, unless such Penalty and Satisfaction as aforesaid shall be sooner paid and given.

XL. And be it further enacted, That if any Person or Persons shall carelessly, negligently or accidentally break, throw down, or otherwise destroy or damage any Lamp or Lamps, being hung out or set up by the Order of the said Commissioners, or by any Person or Persons at his, her or their private Expence, or any Post, Iron, Cover or Furniture thereof respectively, and shall not upon Demand make Satisfaction for the Damage so done, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said City and County of the same, and he is hereby required, upon Complaint thereof made by One or more credible Witness or Witnesses, by Warrant under his Hand, to summon before him the Party or Parties complained of for doing such Damage, and upon his, her or their appearing or making Default to appear (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his, her or their usual Dwelling or Place of Abode if known, or that he, she or they could not be found), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either upon Confession of the Party or the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained against, for the Damage so done to the said Commissioners, or other Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice and he is hereby required to cause the same to be levied and recovered as any Fine or Penalty can or may be levied by virtue of this Act.

Penalty for  
Persons negligently  
breaking  
Lamps.

[*Loc. & Per.*]

36 Y

XLI. And

Commissioners to ascertain Number of Watchmen.

XLI. And be it further enacted, That the said Commissioners shall and they are hereby authorized from Time to Time, to ascertain and determine what Number of Persons shall be employed as Watchmen within the said City and County of the same during the Night-time, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf, and to provide proper Watch-houses, Watch-boxes, or Places for the Reception of such Watchmen, and for the safe Custody of such Persons as may be apprehended by such Watchmen while on Duty, and to pay such Watchmen reasonable Wages or Allowances; and also to impose from Time to Time any Fine not exceeding Twenty Shillings on any Watchman or Watchmen, for every such Neglect or other Misbehaviour, (such Fine to be deducted out of the Wages of such Watchman or Watchmen) and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient, for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations or any of them, and to substitute others; and it shall and may be lawful to and for such Watchmen and they are hereby required in their respective Stations to apprehend and secure in some proper Place or Places of Security, to be for that Purpose appointed within the said City and County of the same, all Malefactors, Rogues, Vagabonds and Disturbers of the public Peace, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace for the said City and County of the same, to be examined and dealt with according to Law: Provided always, that when the Number of such Watchmen shall have been determined by the said Commissioners, then and in such Case the Mayor and Justices of the Peace of the said City and County shall nominate and appoint such fit and able-bodied Men for such Watchmen as to them shall seem right and proper, and also from Time to Time shall nominate and appoint One or more fit Person or Persons in the Stead of any Watchman or Watchmen who shall die or shall be discharged from his or their Office for Neglect of Duty or other Misbehaviour in Office, and it shall and may be lawful to and for the said Mayor and Justices of the Peace to remove any such Watchman or Watchmen, as to them shall seem right and proper.

Mayor and Justices to appoint Watchmen.

Penalty on Victuallers harbouring Watchmen on Duty.

XLII. And be it further enacted, That if any Victualler or Keeper of a Public House shall knowingly harbour or entertain, or suffer to remain in his or her Public House, any such Watchmen as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall on Conviction forfeit and pay any Sum not exceeding Twenty Shillings, and for the Second and every other Offence of the same Kind any Sum not exceeding Forty Shillings.

Power to reward disabled Watchmen.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards in Money to the Watchmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable, such Money to be paid out of the Monies to be raised for the Purposes of this Act.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required to nominate and appoint any Person or Persons, and to purchase or hire any Cart or Carts or other Carriage or Carriages, and also any Horse or Horses for the Purpose of cleansing and watering the several Streets, Highways, Lanes, Public Passages and Places within the said City and County of the same, and of carrying away the Dust, Dirt and Soil thereof; or it shall and may be lawful to and for the said Commissioners to contract with any Person or Persons for cleansing and watering the same, and for carrying away the Dust, Dirt and Soil thereof.

Commissioners may direct Streets to be cleansed.

XLV. And be it further enacted, That all Persons inhabiting within the said City and County of the same, or within such Parts thereof as shall be directed by the said Commissioners, shall, from and after the passing of this Act, cause the Footpaths before and on the Sides of their respective Houses, Buildings, Walls and other Fences, to be swept and cleansed between the Hours of Six and Nine in the Morning, Twice or oftener in every Week, as the said Commissioners shall from Time to Time order or require, at all Times hereafter throughout the Year; and also cause the Dirt and Soil arising from such sweeping and cleansing, to be immediately taken or carried away or laid in the said Streets, Lanes, Public Passages and Places near to the said Footpaths, without obstructing the Way or Road, or any Drain, or Gutter, in order that the same may be taken away by the Scavenger employed by virtue of this Act; and every Person making Default herein, shall for every such Default forfeit and pay any Sum not exceeding Five Shillings.

Inhabitants to sweep Footpaths.

XLVI. And be it further enacted, That if any Person or Persons whomsoever other than the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Lanes, Public Passages or Places within the said City and County of the same, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting as aforesaid, shall take or carry away, or cause to be taken or carried away, any Dirt, Dust, Dung, Ashes or other Filth out of any such Streets, Lanes, or other Public Passages or Places as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings.

No Person to take away the Dirt, &c. but the Contractor.

XLVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to any Ashes, Cinders, Dust, Dirt, Filth, Soil, Dung or Rubbish which any of the Inhabitants of the said City and County of the same shall have Occasion and think fit to preserve and keep within their own respective Houses, Yards and Gardens, but the same shall respectively belong to and be at the Disposal of the Person or Persons so reserving the same, so as such Ashes, Cinders, Dust, Dirt, Filth, Soil, Dung or Rubbish be not laid down or placed in any or either of the said Streets, Lanes, Public Passages or Places in the said City and County of the same, for any longer Time than shall be necessary for the loading and carrying away the same, nor suffered to annoy the Neighbour or Neighbours of such Person or Persons; but in case such Person or Persons so reserving such Ashes, Cinders, Dust, Dirt, Filth, Soil, Dung or Rubbish, shall wilfully or negligently

Not to extend to Ashes, &c. in Yards and Gardens.

negligently permit or suffer the same to lie in any of the said Streets, Lanes, Public Passages or Places in the said City and County of the same, for any longer Time than shall be necessary for the Purpose of loading and carrying away the same, or shall suffer the same to annoy his, her or their Neighbour or Neighbours, or permit or suffer the Soil or Contents of any Privy or Necessary-house to remain in any of the said Streets, Lanes, Public Passages or Places after the Hour of Five in the Morning, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and it shall and may be lawful for the Person or Persons to be appointed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Public Passages and Places, and they are hereby authorized and directed to take and convert such Ashes, Cinders, Dust, Dirt, Filth, Soil, Dung and Rubbish to his or their own Use and Uses, and to sell and dispose of the same, without rendering any Satisfaction for the same.

Drivers of Carriages punishable for Misbehaviour or Negligence, in order to prevent Accidents.

XLVIII. And be it further enacted, That if the Driver of any Cart, Carriage, Dray or Waggon shall ride upon any such Carriage in any Street, Highway, Lane, Public Passage or Place within the said City and County of the same, not having some other Person on foot or on horseback to guide the same (such Carriages as are usually conducted by some Person holding the Rein of the Horse or Horses drawing the same excepted); or if the Driver of any Carriage whatsoever shall in any such Street, Highway, Lane, Public Passage or Place, by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage passing, or shall wilfully be at such Distance from such Carriage whilst it shall be passing in any such Street, Highway, Lane, Public Passage or Place, that he cannot have the Direction and Government of the Horse or Horses or other Cattle drawing the same, or shall by Negligence or wilful Misbehaviour prevent, hinder or interrupt the free Passage of any other Carriage or of any of His Majesty's Subjects in any such Street, Highway, Lane, Public Passage or Place; or if the Driver of any empty or unloaded Waggon, Cart or other Carriage shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart or other loaded Carriage, then and in every such Case every such Driver so offending and being convicted of any such Offence, either by his Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace for the said City and County of the same, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings in case the Driver shall not be the Owner of such Carriage, and in case such Driver be the Owner of such Carriage then any Sum not exceeding Forty Shillings; and every such Driver offending in any of the said Cases shall and may, by the Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed; and it shall and may be lawful to and for the Person or Persons so apprehending such Driver, to convey such Driver or cause him to be conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace for the said City and County of the same, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to disclose his Name, it shall and may be lawful to and for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction  
for

for any Time not exceeding One Calendar Month, or to proceed against such Offender for the Penalty aforesaid, by a Description of his Person and the Offence, and expressing in such Proceedings that such Driver refused to disclose the same.

XLIX. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements within the said City and County of the same, run, draw, drive or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Hand Barrow, Bier or Carriage whatsoever, or roll any Cask or Tub other than for the necessary loading or unloading thereof into, upon, from or out of any Carriage, or for any longer Space than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled (such Premises adjoining to or having immediate Communication with such House or Building from or to which such Cask or Tub shall be rolled); or if any Person shall wilfully ride, lead, or drive any Horse or other Beast or any Cattle whatever on any of the said Footways or Foot Pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench or any other Matter or Thing so as in any Manner to cause any Obstruction or Impediment in the Footway or on the Foot Pavement, or shall, in any Street, Lane or other Public Passage or Place within the said City and County of the same, hoop, fire, cleanse, wash or scald any Cask or Tub, or hew, saw or cut any Stone, Wood or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose); or if any Person shall hang out or cause to be hung out any dyed or other Cloth or Linen for the Purpose of airing or drying the same upon or from any Window (other than Garret or Attic Windows) within any Street, Lane, Public Passage or Place within the said City and County of the same; or if any Person shall, in any Street, Lane, Public Passage or Place within the said City and County of the same, shoe, bleed or farrier any Horse or other Beast or Cattle (except in Cases of Accident); or if any Person shall make or assist in the making of any Bonfire, or let off or fire any Gun, Pistol, Serpent or Rocket, or throw any Cracker, Squib or other Fireworks; or if any Person shall kill or slaughter, or shall scald, singe, dress or cut up any Animal either wholly or in part in any such Streets, Lanes, Public Passages or Places, or cause or permit any Blood to run from any Slaughter-house, Butchers-shop or Shamble into the same or any of them, or shall hang up, place or expose to Sale any Goods, Wares or Merchandizes whatsoever, or any Fruit, Vegetables or Garden Stuff, Butcher's Meat or other Matter or Thing projecting over or in or upon the Footway or Carriageway of any such Streets, Lanes, Public Passages or Places, so as to obstruct or incommode the Passage of any Person or Carriage therein, or shall cause any Privy or Necessary-house within the said City and County of the same to be emptied except between the Hours of Eleven of the Clock at Night and Five of the Clock in the Morning, or shall commit any other Kind of Obstruction or Annoyance in any such Street, Lane or Public Passage or Place within the said City and County of the same, then and in every such Case every Person so offending in any of such Cases shall for every Offence forfeit and pay any Sum not exceeding Five Pounds: Provided nevertheless, that nothing herein contained shall extend or be construed to extend

For preventing Annoyances in the Streets.

Exceptions.

so as to prevent or hinder any Person or Persons from placing any Stall, Booth, Stool, Bench or Form for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit or any Matter or Thing in any Market-place within the City and County of the same, or in the usual Place of holding any Fair or Market on the usual Day and Days.

Obstructions  
not to be left  
in the Streets.

L. And be it further enacted, That if after the passing of this Act any Waggon, Cart, Dray or other Carriage shall be left to stand or remain in any Public Street, Lane, Passage or Place within the said City and County of the same, with or without Horses or other Cattle, for any Time longer than shall be necessary for unloading or loading thereof, except on Market Days and Fair Days, and then in such Places only and under and subject to such Orders, Rules, and Regulations as the said Commissioners shall from Time to Time appoint, make, establish and direct; or if any Timber, Bricks, Lime, Stones, Slate, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares or Merchandizes, or other Materials or Things whatsoever, shall be laid or placed and left to remain in any of the said Streets, Lanes, Passages or Places, for any longer Time than shall be necessary for moving and housing the same; or if any broken Glass or Earthenware, Ashes, Rubbish, Dust, Dirt, Dung, Filth (other than and except Ashes in Time of Frost for the Purpose of preventing Accidents), or any other Nuisance or Annoyance whatsoever, shall be wilfully thrown or cast into or laid in any of the Streets, Lanes, Public Passages or Places; then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray or other Carriage, and the Owner of any such Timber, Bricks, Lime, Goods, Wares and Merchandizes, Materials and other Things, which shall be so left or suffered to remain in any of the said Streets, Lanes, or Public Passages or Places, and the Person or Persons who shall wilfully throw, cast or lay, or cause to be thrown, cast or laid, any broken Glass or Earthenware, Ashes (except in Time of Frost), Rubbish, Dust, Dirt, Dung, Filth or any other Nuisance or Annoyance, into any of the said Streets, Lanes, Public Passages or Places, shall for every Offence in any of the said Cases forfeit and pay any Sum not exceeding Five Pounds: Provided nevertheless, that no Person shall be subject to any Penalty by virtue of this Act on account of any Building Materials, Rubbish or Dirt being in any of the said Streets or Public Passages or Places before the House or Tenement of such Person, occasioned by the building or pulling down, rebuilding or repairing such House or Tenement, so as there be convenient Room left for Carriages to pass and a sufficient Way kept clear for Foot Passengers, by the Person laying or occasioning such Building Materials, Rubbish or Dirt to be laid, and so as the Owner or Occupier of such House or Tenement do cause such Materials, Rubbish or Dust to be removed out of such Street or Place within a reasonable Time after such building, pulling down or repairing shall be finished, or upon Notice to be given to him or her, or left at such House or Tenement for that Purpose in Writing signed by the Clerk to the said Commissioners, and so that during the Time the same shall be laying in such Street or Place such Owner or Occupier shall set up and maintain a Light during the Night-time to prevent Mischief happening to Passengers or Cattle.

No Person to  
be subject to  
Penalty on  
account of  
Building  
Materials.

LI. And

LI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, Spiritual or Lay, as shall be or be deemed to be Owner or Owners, Proprietor or Proprietors, or otherwise interested in any Building or Buildings, Erection or Erections projecting into, over or upon any of the Footways within the said City and County of the same, or of any Door or Doors of any Cellar or Cellars, or of any Steps belonging thereto, or in any other Projection or Encroachments in, over or upon any such Footway, or in any Lands, Tenements or Hereditaments which the said Commissioners shall judge necessary and proper to be purchased for the improving and widening of any of the said Streets, Lanes, Public Passages or Places, for the absolute Purchase of all such Buildings, Erections, Cellars, Steps, Projections, Encroachments, Lands, Tenements or Hereditaments, or any of them: Provided always, that nothing herein contained shall extend or be construed to extend so as to enable the said Commissioners to purchase or take for any of the Purposes of this Act any Lands, Tenements or Hereditaments whatsoever exceeding in Value the Sum of One hundred Pounds, without the Consent and Approbation of the Justices of the Peace assembled at any General Quarter Sessions of the Peace to be holden for the City and County of the City of *Exeter*.

Empowering Commissioners to contract for the Purchase of Buildings, &c.

Purchases exceeding in value 100l. to be approved by Magistrates.

LII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, and all Corporations whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots or other Trustees whomsoever, not only for and on behalf of themselves and their Successors, but also for and on Behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Infants or Femmes Covert, and also to and for all Femmes Covert who are or shall be seised in their own Right, and to and for all Persons whether Tenants for Life or Tenants in Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Houses, Erections, Projections, Encroachments, Tenements or other Hereditaments or any Part thereof, which the said Commissioners are by this Act enabled to purchase for any of the Purposes of this Act, to treat, contract and agree with the said Commissioners for the Sale thereof or any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title and Interest whatsoever of, in, and to the same, to the said Commissioners and their Successors for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales and Conveyances which shall be so made by virtue and in pursuance of this Act, shall without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid and effectual to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim and Demand whatsoever of the said several and respective Cestuique Trusts, and all claiming or to claim by, from or under them, any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary thereof notwithstanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators,

Power for Bodies Politic, &c. to sell.

Administrators, Husbands, Guardians, Committees, Trustees and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Provision in cases of Refusal or Inability to sell.

LIII. And be it further enacted, That if any Body Politic, Corporate or Collegiate, or any Corporation whether Aggregate or Sole, Spiritual or Lay, or any Feme Covert, or any Tenant for Life or Tenant in Tail, General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever interested in any Building or Buildings, Erection or Erections projecting into or upon any of the Footways within the said City and County of the same, or of any Door or Doors of Cellars or of any Steps belonging thereto, or in any other Projection or Encroachments upon any such Footway whatsoever, or in any Lands, Houses or other Buildings, Tenements or other Hereditaments which the said Commissioners are enabled by this Act to purchase or treat for, shall refuse to treat, contract or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting or agreeing, or shall decline or refuse to sell, convey and dispose of the Premises whereof or wherein or whereunto they respectively shall be so seised, possessed, interested or entitled as aforesaid, or their respective Rights, Titles, Claims or Interests in, to or upon the same or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purpose, and according to the Tenor, true Intent and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching such Purchase or Purchases, then and in every such Case the said Commissioners are hereby empowered and authorised, before any General or Quarter Sessions of the Peace to be holden for the said City and County of the same, or any Adjournment thereof, to give or cause to be given to such Owner or Owners or the principal Officer or Officers of such Bodies Politic or Corporate, or to leave or cause to be left at the House of the Tenant in Possession or affixed to the House if vacant, Thirty Days' Notice in Writing, denoting and particularly describing the Lands, Buildings, Houses, Tenements or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said Sessions or Adjournment thereof; and the Justices at the said Sessions or any Adjournment thereof, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Grand Jury at such Sessions assembled, or the Jury to try Prisoners at such Sessions, well and truly upon their Oaths to assess the Value of the said Lands, Buildings, Houses, Tenements or other Hereditaments comprized in the Notice so given, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners thereof according to their respective Interest therein; and to which said Jury the said Commissioners and all Persons interested in the said Lands, Buildings, Houses, Tenements or other Hereditaments shall have their lawful Challenges; and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality or Value of the Lands, Houses, Buildings, Tenements or other Hereditaments so to be sold and conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners



Owners, Occupier or Occupiers thereof, according to their respective Interest therein; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be final, binding, and conclusive to the said Commissioners, and to all Person and Persons interested in the said Lands, Buildings, Houses, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said City and County of the same, and the same or true Copies thereof shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words: Provided always, that in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Commissioners, as a Satisfaction to the Owners or Occupiers or others for their respective Interest in the said Premises, shall not be paid, tendered, left, or deposited according to the true Intent and Meaning of this Act, within Three Calendar Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties, any thing herein contained to the contrary thereof in anywise notwithstanding: Provided, that in case the said Mayor, Bailiffs, and Commonalty, or either of the Justices of the Peace of the said City, shall be the Owner or Owners of or interested in any Building, Erection, Lands, Houses, Tenements, or Hereditaments so proposed to be purchased by the said Commissioners under the Authority of this Act, then and in every such Case the Value thereof shall be assessed by a Jury at a General Quarter Sessions of the County of *Devon*, in like Manner as is herein-before directed at the Quarter Sessions of the said City and County of *Exeter*.

Provision that Verdict shall not be binding unless Money paid within Three Calendar Months.

If Mayor be interested the Value to be assessed by a Jury of the County of Devon.

LIV. And be it further enacted, That in all Cases where any Verdict shall have been given for a greater Sum or Recompence than shall have been previously offered by or on the Behalf of the said Commissioners for any such Lands, Houses, Buildings, Tenements, or other Hereditaments or Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending thereon, and recording or entering the Verdict and Judgment thereupon, shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act; but if a Verdict shall be given for no greater or less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Premises in question; provided that whenever by reason of Absence any Person or Persons shall have been prevented from treating with the said Commissioners, the whole of such Costs and Expences shall be borne and paid by the said Commissioners, and whenever any Costs or Charges shall or may be payable to the said Commissioners, such Costs and Charges shall and may be deducted out of the Sum to be paid by the said Commissioners to the said Owners or Persons respectively interested; and the Payment or Tender of the Remainder of such Monies, or disposing of the same in Manner by this Act directed, shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment, Tender, or Disposal of the whole Sum or Sums so assessed or adjudged.

Provision for Payment of Costs of Verdicts.

Persons not compelled to sell Houses, &c. without Appeal.

LV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable the said Commissioners to compel any Person or Persons, Bodies Politic or Corporate or Collegiate whatsoever, to sell or dispose of any Houses, Lands, or Hereditaments, without the Consent and Approbation of the Justices of the Peace assembled at any General Quarter Sessions of the Peace to be holden for the said City and County of the City of *Exeter*, on an Appeal made to them in manner herein-after directed; or in case the Mayor, Bailiffs, and Commonalty of the said City of *Exeter*, or any Justice of the Peace of the said City, shall be interested in such Houses, Lands, or Hereditaments, then by and with the Consent and Approbation of the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County of *Devon*, on an Appeal made to them in manner herein-after directed.

Application of Compensation Money if amounting to 200l.

LVI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trusts, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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 there *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, 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 or Redemption 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 therewith 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 Lands, Tenements, and 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 Lands, Tenements, or 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, 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 by virtue of this Act, in case such Purchase or Settlement were made.

LVII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, 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 amount to or 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 Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, 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 Five 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 manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money when less than 200l. and not less than 20l.

LVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next 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 Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit, or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid 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.

Application of Compensation if less than 20l.

LIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 and may be lawful to and for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money so awarded 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

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank; subject to the Order of the Court of Chancery on Motion or Petition.

Parties

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 of Chancery, 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 Public 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 of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in the Possession of the Land, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession, &c.

LX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person 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 of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest in any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or 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 have been 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 and 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.

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

LXI. 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 be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be, settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery 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, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

LXII. And

LXII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Commissioners and their Successors, shall be made in the Form or to the Effect following; (that is to say),

‘ I of in consideration of Form of Conveyance.  
 ‘ the Sum of to me paid by the Commissioners  
 ‘ acting by virtue of an Act passed in the Fiftieth Year of the Reign of  
 ‘ King *George* the Third, intituled [*here insert the Title of this Act*] do  
 ‘ hereby grant and convey to the said Commissioners and their Successors  
 ‘ all [*here describe the Premises to be conveyed*] and all my Estate, Right,  
 ‘ Title, and Interest to and in the same, and every Part thereof, to hold to  
 ‘ the said Commissioners and their Successors for ever: In witness whereof  
 ‘ I have hereunto set my Hand and Seal, this Day of  
 ‘ in the Year of our Lord

And every such Sale, Conveyance, and Assurance so made, shall be good, valid, and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

LXIII. And be it further enacted, That every Sum of Money to be Provision for Payment of Purchase Money, &c. and for vesting the Property in the Commissioners.  
 agreed for, awarded, or assessed as aforesaid, shall be paid out of the Monies to be received by virtue of this Act, and upon Payment thereof to the Party or Persons respectively entitled to such Monies or to their Agents, or depositing the same in the Bank of *England* (as the Case may be) in manner by this Act directed and required, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons respectively to whose Credit or Use the same shall have been paid into and out of such Lands, Buildings, Houses, Tenements or other Hereditaments, shall vest in the said Commissioners and their Successors, in trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever, and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

LXIV. And be it further enacted, That if any Person or Persons Damages how to be ascertained and settled.  
 whomsoever shall sustain any Damage in his or their Lands, Tenements, or other Hereditaments, by reason of the Execution of any Powers given by this Act, then and in every such Case Satisfaction and Compensation shall be made by the said Commissioners to such Persons respectively out of the Monies to be raised by virtue of this Act; and in case of any Difference or Dispute between such respective Persons and the said Commissioners respecting the Amount of such Damages, such Damages shall be  
 [Loc. & Per.] 37 B settled

settled and ascertained by a Jury in such and the like Manner as the Sum or Sums of Money to be paid by the said Commissioners for the Purchase of Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained in case of any Difference or Dispute about the same, and the same shall be recovered, levied, and applied in such and the like Manner.

Possession to be delivered.

LXV. And be it further enacted, That all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, in Possession of any Houses or Buildings, Lands, Tenements, or Hereditaments, which shall be purchased by virtue of this Act by the said Commissioners, or any Part thereof, shall, at the End of Three Calendar Months next after Notice thereof shall be given to him or her for that Purpose, under the Hands of Five or more of the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises, with such Fixtures as are or shall be the Property of the Landlord, to such Person or Persons as shall be authorized by the Commissioners to take Possession thereof; and in case any such Person or Body Politic, Corporate, or Collegiate shall refuse to give up such Possession as aforesaid, it shall and may be lawful to and for the said Commissioners to issue out their Precept or Warrant, signed by any Five or more of the said Commissioners, to the Sheriff of the said City of *Exeter* and County of the same, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same; and the said Sheriff is hereby required to deliver up such Possession accordingly, and to levy such Costs as shall accrue upon the issuing and Execution of such Precept or Warrant on the Person so refusing to give Possession as aforesaid, by Distress and Sale of his, her, and their Goods, returning the Overplus (if any) to the Owner thereof on Demand.

Commissioners may sell Ground, &c.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners to sell, dispose of, and convey the Whole or any Part or Parts of any Building or Buildings, Lands, Tenements, or Hereditaments by them purchased by virtue of this Act, in case the same shall appear to them to be unnecessary for the Purposes of this Act, as they shall judge advantageous and convenient, to any Person or Persons whomsoever.

Old Rates to be deemed good.

LXVII. And be it further enacted, That each and every Rate or Assessment now ordered and directed to be levied, assessed, and collected by and under the Authority of the said recited Acts, or either of them, shall and may be levied, assessed, and collected by such Ways and Means, and under such Restrictions and Regulations, as any Rate or Assessment directed to be levied, assessed, and collected by virtue of this Act can or may be raised, levied, and collected.

Rates.

LXVIII. And for raising Money to answer and defray the several Purposes of this Act, and to defray the Charges and Expences of obtaining and passing this Act (other than and except for the Purpose of lighting the said City and County of the same), be it enacted, That the said Commissioners shall and they are hereby authorized and required once in every Year to rate and assess the several Landlords and Owners, and the several Tenants and Occupiers of all Houses, Buildings, Gardens, and other Hereditaments within the said City of *Exeter* and County of the same (other

(other than and except Arable, Meadow or Pasture Ground), in any Sum not exceeding Nine-pence in the Pound by the Year, to be computed on the annual Rent or Value thereof respectively, and also to rate and assess the several Landlords and Owners, and the several Tenants and Occupiers of all Arable, Meadow or Pasture Ground within the said City of *Exeter* and County of the said City, in respect of such Arable, Meadow or Pasture Ground, in any Sum not exceeding Sixpence in the Pound by the Year, to be computed on the annual Rent or Value thereof respectively: Provided nevertheless, that no Garden exceeding One Acre shall be rated at more than Sixpence in the Pound, unless the same shall be attached to and occupied with a Dwelling House.

LXIX. Provided always, and be it enacted, That in case it shall at any Time or Times appear that the said Sums of Nine-pence and Sixpence in the Pound are not sufficient for the Purposes aforesaid, then and in every such Case it shall and may be lawful to and for the said Commissioners assembled at any Meeting to be holden for that express Purpose in pursuance of this Act, of which Fourteen Days Notice in Writing at the least shall be given, signed by the Clerk to the said Commissioners and affixed to the Guildhall of the said City, and given to or left for the said Commissioners at their respective Places of Abode, specifying the Purpose of such Meeting, to increase such Rates to any Sum not exceeding double the Amount of the said Sums of Nine-pence and Sixpence in the Pound respectively; but no such Rate shall be so increased unless a Majority of Three-fourths of the Commissioners present at such Meeting shall agree to the same.

Rates may be increased.

LXX. And be it further enacted, That from and after the passing of this Act all Composition Money for the Repair of the Highways within the County of the said City of *Exeter* shall be defrayed by the Commissioners out of the Monies to be raised by virtue of this Act.

Composition Money for Highways to be paid by the Commissioners.

LXXI. And for raising Money to answer and defray the Charges and Expences of supplying, maintaining, and repairing the several Lamps by this Act directed to be used or set up for the Purpose of lighting the Parishes, Suburbs, Liberties, and Precincts of the said City and County of the same, be it enacted, That the said Commissioners shall and they are hereby authorized and required, in each and every Year, to raise and levy any Sum not exceeding the Sum of Seven hundred Pounds; such Sum to be rated and assessed by an equal and indifferent Rate and Assessment upon every Inhabitant living and residing in the said City and its Suburbs, Liberties, and Precincts, rating and paying to the Poor Rates of the said Parishes, Suburbs, Liberties, and Precincts respectively, for or in respect of their Persons or Personal Estate.

Rates for lighting.

LXXII. Provided always, and be it further enacted, That so long as the Dean and Chapter of the Cathedral Church of *Saint Peter in Exeter* shall, at their own Costs and Charges, cause not less than Ten Lamps to be duly lighted within the Close of the said Cathedral Church, no Rate or Assessment for lighting the said City and County of the same shall be made on the Dean or Canons Residentiary of the said Cathedral Church.

No Lamp Rate on Dean and Canons so long, &c.

LXXIII. And

Assessors  
to be ap-  
pointed.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, when and as often as they shall see occasion, to nominate and appoint One or more of the Inhabitants of the said City and County of the same, or of each Parish, Precinct, or Ward within the said City and County of the same, to be the Assessor or Assessors of such Rates and Assessments, and such Assessor or Assessors is and are hereby authorized and required to make such Rates and Assessments from Time to Time accordingly, and to appear at such Time and Place as the said Commissioners shall by Writing under their Hands order and appoint, and then and there produce and deliver to them Two Copies or Duplicates of the Rates and Assessments made and subscribed by such Assessor or Assessors; and also from Time to Time, upon reasonable Notice to him or them given by the said Commissioners, to attend them the said Commissioners at any of their Meetings to explain the respective Rates and Assessments; and the said Commissioners shall from Time to Time, as soon as may be after any such Rate or Assessment shall be made and delivered to them by such Assessor or Assessors, settle and sign the same, and cause a Duplicate thereof also signed by them to be delivered to the Collector or Collectors to be appointed in that Behalf, and shall also issue their Orders to such Collector or Collectors requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment, and such Collector and Collectors is and are hereby authorized and required to collect and receive the same accordingly; and also once at least in every Three Calendar Months, or oftener if directed so to do by the said Commissioners, by Writing signed by their Clerk for the Time being, to pay the Money so to be collected and received by virtue of this Act to the Treasurer for the Time being to the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes of this Act; and all and every such Collector or Collectors shall and is and are hereby required, at the Time of making every such Payment of the Money so by them respectively collected as aforesaid, to deliver to such Treasurer, or other Person or Persons empowered to receive the same, a true and exact Account of all Sums of Money received by him or them respectively, and also of such Sums of Money, Rates, or Assessments (if any), as shall remain uncollected, together with the Reasons why the same have not been collected; and if any Person who shall be appointed to the Office of Assessor in virtue hereof shall refuse or neglect to take upon himself such Office, without shewing some reasonable Cause to the Satisfaction of the said Commissioners for such Refusal or Neglect, or shall wilfully make Default in Performance of the Duty of his said Office, or shall otherwise misbehave himself therein, he shall for every such Refusal, Neglect, or Misbehaviour, forfeit and pay any Sum not exceeding Ten Pounds, to be recovered as other Penalties are herein-after directed to be recovered.

Assessors  
not to be ap-  
pointed twice  
in Three  
Years.

LXXIV. Provided always, and be it enacted, That no Person so nominated or appointed an Assessor, and who shall have served such Office or shall have paid such Penalty as aforesaid for not serving the same, shall be again compellable to serve the said Office in less than Three Years after the End of such Service or Payment of such Penalty.

Power for  
Commission-  
ers to order

LXXV. And in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, That the said Commissioners



Commissioners shall and may and they are hereby authorized and empowered to cause all or any of the Books or Assessments of the Rates towards the Relief of the Poor of the respective Parishes within the said City and County of the same, to be brought before them, and to take a Copy or Copies of such Books or Assessments or of any Part or Parts thereof without Fee or Reward; and if any Person or Persons in whose Custody or Power any of the said Books or Assessments shall be, shall refuse or neglect to attend the said Commissioners with such Books or Assessments in his, her or their Custody or Power, or to permit or suffer the said Commissioners to take or cause to be taken a Copy or Copies thereof, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

the Parish  
Rate Book to  
be produced,  
&c.

LXXVI. And be it further enacted, That if such Assessor or Assessors so nominated and appointed shall at any Time or Times neglect or omit to rate or assess any Person or Persons liable to pay or to be charged with any Rate or Assessment to be made by virtue of this Act, or shall in any such Rate or Assessment over-rate or under-rate any Person or Persons liable to pay any such Rate or Assessment, then and in every such Case it shall and may be lawful to and for the said Commissioners to rate and assess in the said Rate or Assessment such Person or Persons so omitted to be rated and assessed, and to lessen or raise the Rate or Rates, Assessment or Assessments, of such Person or Persons so over-rated or under-rated, or otherwise to alter or amend such Rate or Assessment as aforesaid, so as to make the same conformable to the true Intent and Meaning of this Act; and it shall and may be lawful to and for the said Commissioners and they are hereby empowered to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby directed to be made, and all such Additions to or Alteration or Amendment in such Rates or Assessments shall be as valid and effectual as if the same had been Part of the Rates or Assessments originally made.

Power for  
Commission-  
ers to amend  
Rates if im-  
proper, &c.

LXXVII. And be it further enacted, That one Moiety of all and every the Rates or Assessments hereby directed to be made as aforesaid, on all Houses, Buildings, Lands and other Hereditaments as shall from Time to Time be rated or assessed in or by the Rate or Rates made for the Relief of the Poor of the respective Parishes and Precincts within the said City and County of the same, shall be paid by the Landlord or Owner or Landlords or Owners of the Houses, Buildings, Lands and Hereditaments in respect whereof such Rates or Assessments shall be made as aforesaid, his, her or their respective Heirs or Assigns, and the other Moiety thereof by the Tenant or Occupier or respective Tenants or Occupiers of such Premises, his, her or their respective Executors or Administrators: Provided always, that the whole of the Rate or Rates, Assessment or Assessments to be made or assessed on the respective Houses, Buildings, Lands and Hereditaments not rated or assessed to the Rate or Rates for the Relief of the Poor of the respective Parishes within the said City and County of the same, shall be paid by the Landlord or Landlords or Owner or Owners thereof respectively.

Apportion-  
ment of Rates  
between  
Owners and  
Tenants.

LXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required once in every Year, to rate and assess the Churchwardens, Chapelwardens, Trustees, Agents or principal

Frontage  
Rate.

[Loc. & Per.]

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Officers

Officers of any Church, Chapel, Meeting or other Place or Places of public Worship, Hospital, School, Workhouse or other public Building fronting or abutting on any Street or public Place within the said City and County of the same, at the Rate of Sixpence by the running Yard for every Yard in length of the Pavement of such Streets or public Places; to be levied and recovered by the same Means as are herein provided for the Recovery of any other Rate or Assessment.

Assessment  
on the Cor-  
poration and  
Dean and  
Chapter.

LXXIX. And whereas the Mayor, Bailiffs and Commonalty of the said City of *Exeter* and County of the same, were by ancient Custom subject to and liable to the Repair of the Pavement and Highway adjoining to the Guildhall and in various other Parts of the said City and County, and the Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter* were subject to the Repair of certain other Parts of the Pavement and Highways in the said City and County, other and besides the Close belonging to the Cathedral Church of *Saint Peter* in the said City: And whereas by the said recited Act of the Forty-sixth Year aforesaid, it was enacted, that the Mayor, Aldermen and Common Council of the Mayor, Bailiffs and Commonalty of the said City for the Time being, should take Order for the paying and effectually causing to be paid yearly and every Year, by Four equal quarterly Payments, the Sum of Fifty Pounds, to such Surveyor or Surveyors as in the said Act mentioned; and that the said Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter* should take Order for the paying or effectually causing to be paid the Sum of Fifty Pounds yearly and every Year, by equal quarterly Payments, to such Surveyor or Surveyors as in the said Act mentioned; which Monies were to be respectively applied in Manner as in the said Act is mentioned; be it therefore enacted, That the said Mayor, Aldermen and Common Councilmen of the Mayor, Bailiffs and Commonalty of the said City for the Time being, and also the Dean and Chapter of the said Cathedral Church of *Saint Peter* for the Time being, and their several and respective Successors, shall and they are hereby authorized and required to take Order for the paying and causing to be effectually paid, yearly and every Year, from the Twenty-ninth Day of *September* next, by Four equal quarterly Payments, the said respective Sums of Fifty Pounds each to the said Commissioners or their Treasurer for the Time being, or to such other Person or Persons as they shall direct, to be by them applied towards the Purposes of this Act; and in Default of Payment of the said Two several Sums of Fifty Pounds or either of them, by such equal quarterly Payments as aforesaid, the same shall and may be levied and recovered by the same Means as are herein provided for the Recovery of any other Rate or Assessment; and in Consideration of such annual Payments they the said Mayor, Bailiffs, Commonalty and the said Dean and Chapter, their respective Successors and Assigns, shall be exonerated and for ever discharged from all future Charges and Expences of making, repairing, and cleansing any of the Pavements and Highways within the said City and County of the same, which they or any of them are now or were before the passing of the Act of the Forty-sixth Year aforesaid liable to; but that all such Parts of the same as have heretofore been made, repaired or cleansed by the said Mayor, Bailiffs and Commonalty of the said City and County of the same, and the said Dean and Chapter of the said Cathedral Church of *Saint Peter*, shall for ever hereafter be paved, repaired and cleansed, under the Direction of the said Commissioners.

LXXX. And

LXXX. And be it further enacted, That the First of the said Rates and Assessments herein-before authorized to be made shall commence at and upon the Twenty-ninth Day of *September* next after the passing this Act, and shall be made for one Year only, and thereafter the said Rates shall be made for each and every Year commencing at or upon the Twenty-ninth Day of *September* in every Year, and the Money so to be rated and assessed shall from Time to Time be levied and paid by quarterly Payments, to such Person or Persons as the said Commissioners shall nominate and appoint to be Collector or Collectors of the same as herein-mentioned, and all such Sum and Sums of Money shall be paid over by such Collector or Collectors to the Treasurer to the said Commissioners; provided that no Rate or Assessment to be made in pursuance of this Act shall be valid until the same shall be signed by Five of the said Commissioners; and the said Commissioners are hereby empowered to amend any such Rate or Assessment after the same shall have been so signed, by inserting the Name of any Person who ought to have been rated or assessed, or striking out the Name of any Person who ought not to have been so rated or assessed, or to raise or lower the Assessment or Assessments on any Person or Persons who shall be under-rated or over-rated in the said original Rates or Assessments.

When Rates are to commence and how payable.

LXXXI. And be it further enacted, That the said Commissioners may and they are hereby required, yearly and every Year, and as often as there shall be Occasion, to grant and issue their Warrants under the Hands and Seals of any Five or more of them, thereby to authorize and require the Churchwardens and Overseers of the respective Parishes or Places rated or assessed by virtue of this Act, or such other Person or Persons as the said Commissioners shall appoint, to be Collectors of the said Rates and Assessments; and that all the said Rates and Assessments shall be paid to the said Collectors by the respective Tenants or Occupiers of the said respective Houses, Buildings, Lands, Grounds and other Hereditaments rateable by virtue of this Act, and by the respective Persons chargeable to the Rates for lighting as aforesaid; and that if any Neglect or Refusal of Payment of any Rate or Assessment as aforesaid shall be made to any such Collector or Collectors, upon Demand made by any such Collector or Collectors on the Occupier or Occupiers of such Houses, Buildings, Lands, Grounds or other Hereditaments, or such Person or Persons so rateable as aforesaid, either in Person or by Writing left at the usual Place of Abode of such Occupier or Occupiers, Person or Persons, by the Space of Six Days, it shall be lawful to and for any Justice of the Peace for the said City of *Exeter* and County of the same, upon Proof made upon Oath of such Demand and Non-payment, by Warrant under his Hand and Seal, which he is hereby empowered to grant, to authorize and direct the said Collector or Collectors to levy such Rate or Money so in Arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting and refusing to pay as aforesaid, and to sell and dispose of the Goods and Chattels so distrained for and towards the Payment of the said Rates and Assessments, and the Costs and Charges attending the same, rendering the Overplus (if any) to the Owner or Owners thereof on Demand.

Collectors.

Rates to be paid by Tenants.

LXXXII. And

Rates on  
Houses let to  
divers Te-  
nants, how  
to be assessed  
and collected.

LXXXII. And whereas several Houses within the said City and County of the same may be by the Landlords or Owners thereof let out into Lodgings or Tenements to divers Tenants, whereby it may be difficult to rate such Houses, and to recover such Rates or Assessments when made; for Remedy whereof, be it enacted, That the said Commissioners, or any Five or more of them, shall and may rate and assess any Person or Persons who shall stand charged or assessed in the Rate made for the Relief of the Poor in the said City and County of the same, for such House or Houses which shall be occupied by Two or more Tenants, or let for any Term less than a Year, and the Person or Persons so charged or assessed in the said Rate made for the Relief of the Poor, shall pay the same accordingly; but in case the said House or Houses shall not be rated to the Relief of the Poor, then and in every such Case the said Rates and Assessments to which the Owner and Owners of the said House or Houses are hereby made liable, shall be collected of and paid by the Occupier and Occupiers of the same as shall be named and specified by the said Commissioners in the said Rates and Assessments herein authorized and directed to be made: Provided always, that no such Occupier or Occupiers shall at any Time be required to pay, or be subject or liable to pay, any greater Sum or Sums for or towards the discharging of the said Rates or Assessments, or any of them, than the Amount of the Rent actually due and payable by such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners, Lessor or Lessors, Lessee or Lessees, of the Premises so occupied by him, her or them.

For recover-  
ing of Te-  
nants' Pro-  
portion of  
Rates in cases  
of Removal.

LXXXIII. And be it further enacted, That in case any Tenant or Tenants, Occupier and Occupiers shall remove out of any House, Building, Land or other Hereditament, before such Rate or Rates, or Assessment or Assessments, shall be paid by him, her or them, and shall not reside within the said City of *Exeter* and County of the same, then and in every such Case if he, she or they shall neglect or refuse to pay the same for the Space of Six Days next after the same shall be demanded by the Collector, or by any Person authorized by the said Commissioners for that Purpose, and such Part and Parts of such Rate or Rates, Assessment or Assessments, as is and are herein-before imposed on such Tenant and Tenants, Occupier and Occupiers, and which are not to be reimbursed or allowed to him, her or them, by his, her or their respective Landlord or Landlords, shall and may be levied by Distress and Sale of the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, by Warrant under the Hand and Seal, or Hands and Seals, of any one or more Justice or Justices of the Peace for the County, City, Borough, Town, Division or Place where such Tenant or Occupier shall reside, which Warrant such Justice or Justices is and are hereby empowered to grant upon Proof made before him or them upon Oath, of such Demand and Non-payment, together with the Costs and Charges attending the same, such Costs and Charges to be ascertained by such Justice or Justices, and that the Goods and Chattels so distrained shall and may be sold and disposed of for and towards the Payment of the said Rates and Assessments, Costs and Charges, rendering the Overplus (if any) to the Owner or Owners thereof on Demand.

For Recovery  
of Landlords'

LXXXIV. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of any such Houses, Buildings,

Buildings, Lands, Grounds, or other Hereditaments, before such Rate or Rates, Assessment or Assessments, shall be paid by him, her, or them, or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall not be sufficient to pay such Rate or Rates, Assessment or Assessments, or if any such Tenant or Tenants, Occupier or Occupiers, shall, in the Judgment of the said Commissioners, be unable through Poverty to pay the same, or if it shall happen that any of the Houses, Buildings, Lands, Grounds, or other Hereditaments within the said City and County of the same, of which the Landlord or Landlords, Owner or Owners, is or are rateable or assessable to the said Rates and Assessments, shall be and remain untenanted, then and in every such Case such Houses, Buildings, Lands, Grounds, and other Hereditaments, shall be and are hereby made a Security for and chargeable with such Part or Parts of the said Rates and Assessments respectively, as is and are hereby imposed and laid on the respective Landlord and Landlords, Owner and Owners thereof respectively, and the same shall and may be raised and levied by Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the said City and County of the same, of any Goods and Chattels which shall be after found in or upon the same Houses, Buildings, Lands, Grounds, or other Hereditaments, or of the Goods and Chattels of the Landlord or Landlords, Owner or Owners of such Houses, Buildings, Lands, Grounds, or other Hereditaments respectively, in case such Landlord or Landlords, Owner or Owners, shall neglect or refuse to pay the same for the Space of Six Days next after the same shall be demanded by the Collector of the said Rates and Assessments, or other Persons acting by or under the Authority of the said Commissioners, of him, her, or them, either personally or by Writing left at the usual Place or Places of Abode of such Landlord or Landlords, Owner or Owners; and in case such Landlord or Landlords, Owner or Owners, shall not live within the said City and County of the same, then such Distress and Sale shall be made by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, Division, or Place where such Owner or Owners shall reside, which Warrant such Justice or Justices is and are hereby empowered to grant upon Proof made before him or them upon Oath of such Demand and Nonpayment, together with the Costs and Charges attending the same, such Costs and Charges to be ascertained by such Justice or Justices; and the Goods and Chattels so distrained shall and may be sold and disposed of for and towards the Payment of the said Rates and Assessments, Costs and Charges, rendering the Overplus (if any) to the Owner or Owners thereof on Demand.

Proportion of Rates when Tenants remove or quit.

LXXXV. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Building, Land, Ground, or other Hereditaments, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed by virtue of this Act, every such Person or Persons so removing from or quitting the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person or Persons occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Land, Ground, or other Hereditaments, rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other

Persons removing to pay in proportion.

Person or Persons shall have removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming in or occupying the same shall be liable to pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Landlords' Rates to be paid or allowed to the Tenants.

LXXXVI. Provided always, and be it enacted, That all such Part and Parts of the Rates and Assessments hereby directed and authorized to be made as shall, under the Provisions in this Act contained, be charged on and payable by the Landlord or Landlords, Owner or Owners, of all and every the said Houses, Buildings, Lands, Grounds, and other Hereditaments, shall be paid or allowed by such Landlord or Landlords, Owner or Owners, to the Tenants or Occupiers respectively who shall pay the same; and such Tenants and Occupiers are hereby authorized and empowered to deduct and retain, out of their respective Rents, such Sums of Money as they shall respectively pay for and on the Behalf of the respective Landlords or Owners of such respective Premises, and the said Payments shall be considered as Money actually paid for Rent due or to become due to such Landlords or Owners, who shall allow the same to their respective Tenants or Occupiers out of their Rent accordingly.

Tenants over-paying Rents in Discharge of Landlords' Rates, how to be reimbursed.

LXXXVII. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall pay to the said Collector or Collectors any more Money on account of the Part or Parts of the said Rates and Assessment respectively as is and are hereby imposed and laid on the respective Landlord or Landlords, Owner or Owners thereof, than shall be due from the said Tenant or Tenants, Occupier or Occupiers, for the Rent or Rents of his, her, or their House, Building, Land, Ground, or Hereditament, then and in every such Case the Overplus thereof shall be and may be levied on the Landlord or Landlords, Owner or Owners, of such House, Building, Land, Ground, or Hereditament, by Distress and Sale of the Goods and Chattels of such Landlord or Landlords, Owner or Owners, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, Division, or Place where such Goods and Chattels shall be, in case such Landlord or Landlords, Owner or Owners, shall have refused or neglected to pay the same for the Space of Six Days next after Demand made thereof by such Tenant or Tenants, Occupier or Occupiers, or by his, her, or their Attorney or Agent, for that Purpose appointed; and such Money, when so raised and levied, shall be paid to the said Tenant or Tenants, Occupier or Occupiers, who shall have so advanced the same.

Agreements not to be made void by this Act.

LXXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, so as to alter, impeach, or make void any Contract, Covenant, or Agreement made between Landlord and Tenant, expressed in any Lease already granted, or to be expressed in any Lease hereafter to be made pursuant to any Contract or Agreement for a Lease now subsisting, touching

touching or concerning the paving the said Streets, Lanes, and public Passages, or any Part of them, or the Payment of any Rates for that Purpose, and which shall have been made subsequent to the Twenty-third Day of *May* One thousand eight hundred and six, but that every Person who by virtue of any such Lease already granted, or any such Lease hereafter to be made pursuant to any Contract or Agreement for a Lease now subsisting, is, are, or ought to be obliged or liable to pave and keep in Repair any Part of the said Streets, Lanes, public Passages, or Places, or to pay any Rates for that Purpose, shall in lieu thereof be obliged to pay the Rates hereby directed to be assessed on the several Landlords, Owners, or Proprietors of the said Houses, Buildings, Lands, Grounds, and other Hereditaments respectively, or so much thereof as by the said Commissioners shall be deemed just and reasonable, according to the true Meaning of such Lease, Contract, or Agreement, for and during such Time as such Lease, Contract, or Agreement shall remain in force or ought to have Continuance; and in case any Dispute shall arise concerning any such Lease, Contract, or Agreement, the said Commissioners shall and they are hereby authorized and required to hear and determine the same.

LXXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time, to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary, not exceeding in the whole the Sum of Six thousand Pounds, for the Purposes of this Act, upon the Credit of the Rates or Assessments to be laid and collected by virtue of this Act, and by Writing under their Hands and Seals to assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same, and the Costs and Expences of such Assignment thereof, to be made as hereafter mentioned, shall be from Time to Time defrayed by the said Commissioners out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following:

Power to borrow Money.

‘ **WE** of the Commissioners  
 ‘ appointed by or in pursuance of an Act made in the Fiftieth Year  
 ‘ of the Reign of King *George* the Third, intituled [*here set forth the Title*  
 ‘ *of this Act*] in consideration of the Sum of advanced  
 ‘ and lent by *A. B.* upon the Credit and for the Purposes of the said Act,  
 ‘ do hereby grant and assign unto the said *A. B.* [*or, to his Trustee or*  
 ‘ *Trustees, as the Case may require*], his Executors, Administrators, and  
 ‘ Assigns, such Proportion of the Rates or Assessments arising by virtue  
 ‘ of the said Act as the said Sum of doth or shall bear to  
 ‘ the whole Sum which may at any Time be borrowed or become due and  
 ‘ owing or be charged upon the Credit of the said Act, to be had and  
 ‘ holden from this Day of until the Sum of  
 ‘ with Interest at *per Centum per Annum* for the  
 ‘ same, shall be repaid and satisfied. In Witness whereof we the said  
 ‘ Commissioners have hereunto set our Hands and Seals, the  
 ‘ Day of in the Year .’

Form of Assignment.

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the Common Excess or Difference shall always be one, and every such Security





Securities granted and then in force, for securing the Principal Monies lent and advanced upon the Credit of the said Rates and Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form as nearly as may be, and be put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Commissioners, and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only one Creditor, to give Notice to such Creditor of the said Commissioners' Intention to pay him or her as aforesaid, and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice (such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid), and the Interest of the Principal Money to be paid off shall, from and after the Day to be so specified cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand: Provided, that the whole Money to be secured upon the Credit of such Rates and Assessments shall be discharged within Twenty Years from the Time of borrowing the same.

XCII. And be it further enacted, That all Money to arise by or from the said Rates or Assessments hereby granted, and the Surplus of any Monies levied or received by the said recited Acts, and not at present applied, and all Money to be levied or received from Time to Time by virtue of this Act, and all the Money which may be borrowed on the Credit thereof, shall be paid to the Treasurer to the said Commissioners, or to such Person or Persons as they shall appoint, and shall be applied and disposed of, in the first Place, in paying and defraying the Charges and Expences which shall have been incurred in or shall be incident to and attending the obtaining and passing of this Act, and of the Interest for the Money which shall have been advanced for defraying such Charges and Expences, and in the next place from Time to Time in defraying the Costs, Charges and Expences of paving, cleansing, lighting and watching the several Streets, Lanes and other public Passages and Places in the said City and the Suburbs thereof, in Manner hereby directed, and of carrying the several other Purposes of this Act into Execution, and in paying and defraying all Costs, Charges and Expences which the said Commissioners, or any of their Officers, may sustain or be put unto in carrying of this Act into Execution, or in prosecuting or defending any Prosecutions, Actions or Suits for or concerning any of the Monies granted or arising by virtue of this Act, or in any Matter relating to the Execution of this Act, or of any Thing to be done by virtue thereof, and for such other Uses and Purposes as herein expressed, and for no other Use, Intent or Purpose whatsoever.

Application  
of Money  
raised or  
borrowed.

XCIII. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Common Council, and they are hereby authorized and empowered from Time to Time to license such and

Mayors, &c.  
to license  
Sedan Chairs.

so many Sedan Chairs as to them shall seem right and proper, to ply or to be kept for Hire, for the Purpose of carrying Passengers within the said City and County of the same.

Penalty for carrying Sedan Chairs without Licence.

XCIV. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Common Council, to demand and take or cause to be demanded and taken, for each and every such Licence for each and every such Sedan Chair, the Sum of Three Shillings and no more, which Money shall be paid to the Town Clerk for his Trouble in making out such Licence; and if any Person or Persons shall, after the passing of this Act, ply with or carry, or convey for Hire, any Passenger in a Sedan Chair, within the said City and County of the same, such Person or Persons not being so licensed by the said Mayor, Aldermen and Common Council, then and in every such Case every such Person shall forfeit and pay any Sum not exceeding Forty Shillings.

Sedan Chairs to be numbered.

XCV. And be it further enacted, That the Owner or Owners of each and every such Sedan Chair, to be licensed and used or kept for Hire as aforesaid, shall paint, or cause to be painted, such Number or Numbers as the said Mayor, Aldermen, and Common Council shall direct or appoint, in White Figures on a Black Ground, each Number not being less than Two Inches in Length, upon, or affixed, or attached, to one Side of every such Sedan Chair; and if any Person or Persons shall stand, or ply with, or let for Hire, within the said City and County, any such Sedan Chair, not having such Number or Numbers so painted upon, or affixed, or attached to such Sedan Chair, or having such Number or Numbers, or any Part or Parts thereof, not clear and legible, every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Fares to be regulated by the Mayor, Aldermen, and Common Council.

XCVI. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Common Council, to ascertain and fix the several Rates or Fares to be paid for the Use or Hire of every such Sedan Chair, for conveying any Passenger or Passengers, within the said City and County, and from Time to Time to advance, lower, vary, or alter such Rates or Fares, or any of them as to them the said Mayor, Aldermen, and Common Council shall seem right and proper; and when and as often as such Rates or Fares or any of them shall be ascertained, fixed, advanced, lowered, varied, or altered by the said Mayor, Aldermen, and Common Council, the same shall from Time to Time be painted upon a Table or Tables, Board or Boards, and shall be fixed or put up in such conspicuous Place or Places within the said City and County, as to them the said Mayor, Aldermen, and Common Council shall seem right and proper; and such Table or Tables, Board or Boards, when so fixed or put up, shall be and be deemed to be full and conclusive Evidence of all such Rates to all Persons whomsoever.

Mayor, Aldermen and Council may make Bye Laws for regulating Sedan Chairs.

XCVII. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Common Council, from Time to Time, to ordain and establish such Bye Laws, Rules, Orders and Regulations, for the Conduct of the several Owners and Bearers of the several Sedan Chairs so licensed as aforesaid, and likewise from Time to Time to repeal, add to, amend, vary, or alter all or any of such Bye Laws, Rules, Orders

Orders and Regulations, as to them shall seem most fitting and requisite, and to fix and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings, for the Non-observance or Breach of any such Bye Laws, Rules, Orders and Regulations, or of any Part or Parts of them; and the said Mayor, Aldermen, and Common Council, shall cause such Bye Laws, Rules, Orders and Regulations to be printed and distributed, and stuck up or placed upon some conspicuous Place or Places, within the said City and County; and all such Bye Laws, Rules, Orders and Regulations, so made, printed, distributed and stuck up, shall be good and shall be binding upon all Persons concerned, provided that the same be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or inconsistent with or repugnant to the Provisions and Directions in this Act contained; and such Bye Laws, Rules, Orders and Regulations, shall be subject to Appeal in Manner by this Act directed.

XCVIII. And be it further enacted, That if any Owner or Bearer or Bearers of a Sedan Chair so licensed as aforesaid, and standing or plying for Hire, shall refuse or neglect (when applied to for that Purpose) to carry or convey any Person or Persons to any Place or Places within the said City and County of the same, or if the Owner or Bearer or Bearers of any Sedan Chair, so licensed as aforesaid, shall demand or take any greater or larger Rate or Fare than shall be fixed by the said Commissioners, or shall in anywise insult or otherwise misbehave himself or themselves to any Person or Persons whomsoever, hiring or employing him or them; or if the Bearer or Bearers of any Sedan Chair shall not duly attend the same, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and it shall and may be lawful to and for the said Commissioners, in case they shall think fit, to take away and revoke any Licence or Licences so granted for any Sedan Chair as aforesaid.

Penalty on  
Bearers mis-  
behaving.

XCIX. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand, to the Bearer or Bearers of any Sedan Chair so licensed as aforesaid, the Money justly due to him for the Use or Hire of such Sedan Chair, according to the Rates or Fares so ascertained and affixed as aforesaid in pursuance of this Act, it shall and may be lawful to and for any Justice of the Peace for the said City of *Exeter* or the County of *Devon*, within their respective Jurisdictions, upon Complaint to him made, to grant a Summons against the Person or Persons complained of to appear before him at some Time and Place to be mentioned in such Summons, to answer the Matter of such Complaint, and on Proof on Oath of the Service of such Summons it shall and may be lawful to and for such Justice to proceed in and to hear the Matter of such Complaint, whether the Person or Persons summoned shall appear or not, and to make such Order therein as to such Justice shall seem meet; and if the Person or Persons against whom such Order shall be made shall not immediately pay down the Money (if any) which shall be ordered as a Satisfaction to the Bearer or Bearers of such Sedan Chair, for the Service done, and such further Sum for the Loss of Time thereby occasioned to the Complainant or Complainants as to the said Justice shall seem meet, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such

Provision for  
securing the  
Fares.

such Justice, and the Overplus (if any) of the Money arising by such Distress and Sale, after deducting the Costs and Charges of making and selling such Distress and Sale, shall be returned to the Owner or Owners of such Goods and Chattels; but in case sufficient Distress shall not be found, or such Money as aforesaid shall not be paid forthwith, it shall and may be lawful to and for such Justice to commit such Offender or Offenders to the Common Gaol or House of Correction for the said City of *Exeter* or County of *Devon*, as the Case may be, there to remain, without Bail or Mainprize, for any Time not exceeding One Calendar Month, unless such Money shall be sooner fully paid and satisfied.

Penalty on obstructing Commissioners.

C. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter obstruct, hinder, or molest the said Commissioners, or their Collector or Collectors, Treasurer, Surveyor or other Officer or Officers, or any Workmen or other Person or Persons whomsoever who shall be employed by virtue of this Act, or in any Manner concerned in the Execution thereof, in the Performance or Execution of his or their Duty or Work, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalties how to be recovered.

CI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, or by any Bye Law, Rule, or Regulation made in pursuance thereof (the Manner of levying and Recovery whereof is not hereby particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the City, County, or Place where such Person shall be or reside, which Warrant such Justice is hereby empowered and required to grant, upon the Confession of the Party or Parties, or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), rendering the Overplus (if any) of the Money arising by such Sale upon Demand to the Party or Parties whose Goods and Chattels shall be distrained and sold, after deducting the Charges of such Distress and Sale; and all Penalties and Forfeitures, when recovered, shall, if not herein directed to be otherwise applied, be paid to the Treasurer to the said Commissioners, and applied to the Purposes of this Act; or in case it shall appear to such Justice, by the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer) or on the Confession of the Offender or Offenders, that such Offender or Offenders hath or have not sufficient Goods and Chattels within the Jurisdiction of such Justice whereon the Penalty, Forfeiture, and Charges of levying the same can be raised, or in case sufficient Distress shall not be found after such Warrant shall have been issued, or if such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said City, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, nor less than Three Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Distress not unlawful for

CII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the

the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity that shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Want of Form.

CIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such Action shall have been commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall be advised, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover after Tender of Amends in any Action.

CIV. And be it further enacted, That all and every Justice and Justices before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause such Conviction to be drawn in the Form or to the Effect following; (*videlicet*),

Form of Conviction.

‘ **B**E it remembered, That on the Day of  
 ‘ in the Year of our Lord  
 ‘ A. B. is convicted before One of His Ma-  
 ‘ jesty’s Justices of the Peace for the of  
 ‘ having [*here state the Offence*] and I [*or we*] the said Justice [*or Justices*]  
 ‘ do adjudge him [*her, or them*] to forfeit and pay the Sum of  
 ‘ Given under my Hand and Seal [*or, our Hands and Seals*]  
 ‘ the Day and Year aforesaid.’

CV. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful to and for such Justice and Justices of the Peace to administer an Oath to any Person for his or their more certain Information in the Matter then depending; and if any Person or Persons shall upon his, her, or their Examination on Oath before the said Commissioners, or before any Justice or Justices, wilfully and corruptly give false Evidence, such Person or Persons so offending and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons convicted of wilful and corrupt Perjury are subject and liable to.

Justices empowered to administer Oaths.

Appeal.

CVI. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made, amended, or demanded, or by any Rule, Bye-law, or Order, or other Matter or Thing which shall be made or done in pursuance of this Act, such Person or Persons may appeal to the said Commissioners at their first Meeting, which shall be holden after the Expiration of Ten Days from the Time of demanding such Rate or Assessment or other Act done, and the said Commissioners at such Meeting are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises as to them the said Commissioners shall seem reasonable; and if any Person or Persons shall be dissatisfied with the Determination of the said Commissioners therein, or if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rule, Bye-law, or other Order, Judgment or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other thing done in pursuance of this Act (save and except in such Cases where any Order, Judgment, or Determination is herein directed to be final or conclusive, and save and except in such Cases for which any particular Method of Relief is herein appointed), such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the City and County of the City of *Exeter*, within Six Calendar Months next after the Cause or Causes of Complaint shall have arisen, or at any Adjournment of such Sessions, the Person or Persons appealing first giving or causing to be given to the Person or Persons appealed against, and to the Clerk to the said Commissioners, Ten Days' Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Session or Adjournment thereof; and the Justices at the said Session or Adjournment thereof, upon due Proof of such Notice having been given and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and the said Justices may if they see Cause mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall be levied in pursuance of such Rule, Order, Regulation, Judgment, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall think reasonable; and the Determination of the said Justices shall be binding and conclusive to all Intents and Purposes.

In Cases where the Corporation are Parties, Appeal to be from the Commissioners to the County Justices.

CVII. Provided always, and be it enacted, That in all Cases where the Mayor, Bailiffs, and Commonalty of the said City of *Exeter*, or either of the Justices of the Peace for the said City, shall be Party or Parties to or interested in any Appeal from the Determination of the said Commissioners, then and in every such Case such Appeal shall be made to the Justices of the Peace at any Quarter Sessions of the Peace to be holden for the County of *Devon*, within Six Calendar Months next after such Cause of Complaint shall have arisen, on giving the like Notice and entering into the like Recognizance as is before directed to be given and entered into in Cases of Appeal to the Justices of the Peace for the City of *Exeter*; and such Justices of the Peace for the County of *Devon* shall

hear

hear and determine such Appeals in like Manner, and award such Costs and make the like Order or Orders as are herein-before directed, to be made in Cases of Appeal to the Justices of the said City of *Exeter*, and the Determination of the said Justices of the Peace for the County of *Devon* shall in like Manner be binding and conclusive.

CVIII. Provided always, and be it enacted, That in any Appeal from the said Rates or Assessments, or any of them, to be made for the Purposes of this Act, the Justices at the General Quarter Sessions to be holden for the said City of *Exeter* and County of the same, or any Adjournment thereof, or the Justices at the General Quarter Sessions of the Peace to be holden for the County of *Devon*, or any Adjournment thereof, as the Case may be, shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon Appeal from the whole Rate or Assessment it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for such Justices to order a new Rate or Assessment to be made in Manner herein directed.

Justices may relieve on Appeal from Rates without quashing the whole Rates, and if the whole Rate is set aside, Commissioners may make a new one.

CIX. And be it further enacted, That no Person shall in any Action, Prosecution, Information, or other Proceeding whatsoever, relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of this Act.

Inhabitants may be Witnesses.

CX. And be it further enacted, That no Order, Rate, or Assessment, Judgment or other Proceeding made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Writ of *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

No Proceedings to be removed by *Certiorari*.

CXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to reward any Informer or Informers as they shall think proper, so as such Reward does not exceed One-half of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred; any thing herein contained to the contrary notwithstanding.

Commissioners may reward Informers.

CXII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being, and that all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of the said Clerk; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered without the Consent or Direction of the said Commissioners; but the Clerk to the said Commissioners for the Time being shall be always deemed Plaintiff or Defendant in every such Action

Provision for the bringing and defending Actions in the Name of the Clerk.

or

or Suit (as the Case may be), except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being, in which Action or Suit any One of the said Commissioners shall or may be Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as such Clerk or Commissioner shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein; and no such Clerk or Commissioner shall be personally answerable or liable for the Payment of the same or any Part of the same, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or having been brought or commenced without the Order or Direction of the said Commissioners or any Five or more of them.

Limitation of  
Actions.

CXIII. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from the Fact committed; and every such Action or Suit shall be brought and tried in the said City and County of the City of *Exeter*, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may at his or their Election plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Fourteen Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

This Act not  
to extend to  
the Fish,  
Green, and  
Corn Mar-  
kets.

CXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to the Fish and Green Market in the Parish of *Allhallows Goldsmith Street*, and the Corn Market in the Parishes of *Saint Mary Arches*, *Saint Olave*, and *Saint George* in the said City, or to the rating or assessing the Owners or Occupiers of any of the Stalls in such Markets, but that such Markets shall from Time to Time be paved, cleansed, and repaired by the Owners and Occupiers thereof in the same Manner as if this Act had not been made.

This Act not  
to extend to  
the Close of  
Saint Peter.

CXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to the Close of the Cathedral Church of *Saint Peter*, or to the Lands, Houses, Streets, Ways, Passages, or Places within the same, and that the special Obligations to pave and repair the same shall remain and continue of the same Force and Effect as if this Act had not been made.

CXVI. Pro-



**CXVI.** Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, diminish or affect the Right of the Mayor, Bailiffs and Commonalty of the said City, to hold Markets and Fairs within the said City, or the Right of the said Mayor, Bailiffs and Commonalty of the said City, or any of their Officers or Servants, to make, erect, set or place Booths, Stalls, Benches, Forms and other Things within any Market Places, Streets or other public Places, on Market Days, or during the usual Times of holding any Fair or Fairs within the said City, or the Right of the said Mayor, Bailiffs and Commonalty of the said City to any Rents, Tolls, Duties or Profits whatsoever, heretofore paid to them for or in respect of any Markets or Fairs, or of any Booths, Stalls, Benches, Forms or other Things to be there erected, set, or placed as aforesaid, or the Right of the said Mayor, Bailiffs and Commonalty of the said City to the Ground and Soil of the Streets, Lanes, and Passages within the said City, or any Powers vested in the said Mayor, Bailiffs and Commonalty, by Charter or otherwise, of making Bye-laws, Acts, or Ordinances, for the better Government of the said City and the Inhabitants thereof, or the Rights of the said Mayor, Bailiffs, and Commonalty of the said City to maintain, keep up, and regulate the Waterworks of the said City for providing the Inhabitants with Water, and of removing and altering the Reservoirs, Tunnels, Pipes, and Trees for the better conveying Water throughout the City, or any Right, Royalty, Privilege, Liberty, or Authority belonging to the said Mayor, Bailiffs and Commonalty, as Lords of the Manor of *Exe Island*, or any other Right, Liberty, Franchise, Rent, Toll, Duty, Profit or Privilege whatsoever, belonging to the said Mayor, Bailiffs and Commonalty of the said City, not by this Act in express Terms and by express Words taken away, lessened, or diminished; but that the said Mayor, Bailiffs and Commonalty of the said City shall and may continue to have, hold, and enjoy all such Rights, Liberties, Privileges and Franchises, and to have, receive, and take all such Rents, Tolls, Duties and Profits, in like Manner as they could or might or ought to have done in case this Act had not been made; subject nevertheless to the several Powers and Authorities expressly vested in the said Commissioners by this Act.

For preserv-  
ing the  
Rights of  
the Mayor,  
Bailiffs and  
Commonalty.

**CXVII.** Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to empower the said Commissioners, or any other Person or Persons, to remove, raise, sink, alter, impede or injure the ancient Watercourse belonging to the said Dean and Chapter of the said Cathedral Church, which has been immemorially conveyed from its Source in the said Parish of *Saint Sidwell* to the Close of the said Cathedral Church, or the Pipes, Adits, or Communications thereto belonging, or to take away, lessen, or diminish the exclusive Right of the said Dean and Chapter in and to the same, and their Power of Access to, and of altering and repairing the same, and of breaking up the Pavement for that Purpose; but that the said Watercourse, and all Rights relating thereto, shall and may be enjoyed in like Manner as if this Act had not been made.

For preserv-  
ing the Right  
of the Dean  
and Chapter  
to the Water-  
course.

**CXVIII.** Provided also, and be it enacted, That nothing in this Act shall extend or be construed to extend so as to take away, lessen, or diminish any Right, Property, Soil, Liberty, Power, Privilege or Franchise

For preserv-  
ing the  
Rights of the  
Dean and  
Chapter.

[*Loc. & Per.*]

37 G

of the Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter*, within their Manor and Fee of *Saint Sidwell*, nor any other Right, Liberty, Soil, Property, Power, Privilege or Franchise of or belonging to the said Dean and Chapter within the said City and County of the same; but that all such Rights, Liberties, Soil, Property, Power, Privileges and Franchises shall remain and be exercised and enjoyed in as full and ample a Manner to all Intents and Purposes as if this Act had not been passed.

Public Act.

CXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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