



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 154.

An Act for paving, improving, and regulating the Streets and public Places in the Borough and Parish of *Barnstaple*; and for the better Regulation of the present Markets, and providing others therein. [10th June 1811.]

WHEREAS the Streets, Lanes, and other public Passages and Places within the Borough and Parish of *Barnstaple*, in the County of *Devon*, are in general narrow, uneven, and irregular, and not sufficiently paved, repaired, cleansed, lighted, or watched, and the same are subject to various Encroachments, Obstructions, Nuisances, and Annoyances: And whereas it would be of great Benefit and Convenience to the Inhabitants of the said Borough and Parish, and to all Persons resorting to or travelling through the same, if the said Streets, Lanes, and other public Passages and Places were well and sufficiently widened, paved, repaired, cleansed, lighted, and watched, and all Encroachments, Obstructions, Nuisances, and Annoyances therein, were removed, and Provision made for preventing the like in future; and if the present Market for selling Butchers Meat was removed, and the other Markets within the said Borough and Parish were properly regulated, and if a new Market for selling Butchers Meat, and other Buildings, were erected, and others taken down and altered within the said Borough and Parish; but as the several Purposes aforesaid cannot be effected and carried into Execution without

[*Loc. & Per.*]

the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be 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 the Mayor, Recorder, Deputy Recorder, Aldermen, Capital Burgesles, and High Steward of the Borough and Parish of *Barnstaple* for the Time being, the Vicar of the said Parish for the Time being, the Representatives in Parliament of the said Borough for the Time being, Sir *Arthur Chichester* Baronet, *Henry Beavis*, *John Clark*, *Thomas Lee*, *George Bowen* (Captain in the Royal Navy,) *William Wavel* M. D., *John Williams*, *Thomas Bird*, *John Dennis* senior (Tanner), *John Pitt*, *Jofias Weeks*, *Thomas Harris*, *John Irwin*, *Richard March*, *Thomas Scott*, *William Dyer*, *Philip Welch Hiern*, *John Avery*, *James Marsh*, *John Gribble*, *Charles Blackmore*, *Thomas May*, *John Toller*, *William Rennels*, *John Lovering*, *Timothy Harding Willis*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed and declared to be Commissioners for putting this Act into Execution.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (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-after directed to be taken by the said Commissioners), unless he shall be in his own Right, or in the Right of his Wife, in the actual Enjoyment of the Rents and Profits of a Freehold Estate of the clear yearly Value of Fifty Pounds above Reprizes, situate within the Borough and Parish of *Barnstaple* aforesaid, or shall be Heir apparent of some Person having a like Estate of the clear yearly Value of One hundred Pounds, situate as aforesaid, or unless being an Inhabitant or Resident in the said Borough and Parish, he shall have occupied a Dwelling House within the same for the Space of One Year immediately preceding the passing of this Act, of the annual Value of Twenty-five Pounds, or unless he shall be an Inhabitant or Resident within the said Borough and Parish, occupying any Messuages, Lands, Tenements, or Hereditaments within the same of the annual Value of Twenty Pounds, and possessing One thousand Pounds in Real or Personal Property, of whatever Nature the same may be, or wherever situate ; nor until he shall have taken and subscribed the Oath herein-after mentioned, or being One of the People called *Quakers*, an Affirmation to the Effect and in the Words following ; which Oath or Affirmation any One of the said Commissioners is hereby empowered to administer ; (that is to say),

‘ I, *A. B.* do swear, [or, being a Quaker, I, *A. B.* do solemnly affirm],
 ‘ I, That I do believe in my Conscience that I am rightly, truly, and
 ‘ *bonâ fide* qualified to act as a Commissioner for putting into Execution an
 ‘ Act passed in the Fifty-first Year of the Reign of King *George* the Third,
 ‘ intituled, [set forth the Title of this Act] according to some or One of
 ‘ the Qualifications required of such Commissioners by the said Act ; and
 ‘ that I will act truly and impartially, according to the best of my Skill
 ‘ and Judgment, in the Execution of the Powers and Authorities reposed
 ‘ in me as a Commissioner in and by the said Act. So help me GOD.’

And

And if any Person, not being so duly qualified, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, 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, Plaint, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Imparance shall be allowed; and every such Person so sued or prosecuted shall prove that he was qualified as aforesaid at the Time of his acting as a Commissioner, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person has acted as a Commissioner in the Execution of this Act; and the Money to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid, One Moiety thereof to the Informer or Prosecutor, and the other Moiety thereof to the Treasurer to the said Commissioners, to be applied for the Purposes of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, although not duly qualified as aforesaid previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual, as if such Person or Persons had been duly qualified to act as such Commissioner or Commissioners according to the Directions of this Act.

III. Provided always, and be it further enacted, That it shall be lawful for the Mayor, Aldermen, and Capital Burgeses of the said Borough and Parish, to act as Commissioners or otherwise, under this Act, in the Execution of any of the Powers thereof in relation to the Market Place and Markets, and Regulation thereof, without being otherwise qualified as aforesaid under this Act, and without incurring any Penalty for so acting, any Thing in this Act contained to the contrary notwithstanding.

IV. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act who is a Victualler, or shall sell Ale, Wine, Cyder, or any Spirituous Liquors by Retail, or during such Time as he shall hold or enjoy any Office of Profit, or be concerned directly or indirectly in any Contract or Work to be performed or done under any of the Powers of this Act, upon Pain of forfeiting the Sum of Fifty Pounds for each Time of such acting, to be recovered and applied with full Costs of Suit as aforesaid; but that it shall and may be lawful to and for such Commissioners as are Justices of the Peace to act as such in the Execution of this Act, except only in Cases wherein they shall be personally or beneficially interested; and that all the Powers and Authorities by this Act granted to or vested in the said Commissioners hereby constituted, shall and may from Time to Time be exercised by the major Part of them who shall attend any public Meeting to be holden as hereinafter mentioned, the whole Number of Commissioners present at any such Meeting not being less than Seven; and that all the Orders and Proceedings of the major Part of the Commissioners present at such their several Meetings, shall have the same Force and Effect as if done or made by all the Commissioners for the Time being constituted by this Act; and that no Act, Order, or Determination of the said Commissioners shall be or be deemed to be good, valid, or effectual, unless done or made at some public Meeting to be holden by virtue of this Act; and that all the Acts,
Orders,

Proceedings.

Orders, Directions, Regulations, and Proceedings of the said Commissioners relative to the Execution of this Act, and the Names of the Commissioners who shall be present at the respective Meetings, shall be fairly and regularly entered in a Book or Books to be provided and kept for that Purpose, and signed or subscribed by the Chairman of each respective Meeting; and the Book or Books so signed or subscribed, shall be deposited with the Clerk of the said Commissioners, to be produced or ready for Production at all and every the said Meetings; and all such Entries, being so signed or subscribed, shall be deemed and taken to be Originals, and shall and may be produced and read in Evidence, and allowed as such in all Courts whatsoever, in all Causes, Suits, and Actions touching or concerning any Thing done in pursuance of this Act, and the same shall at all reasonable Times be open to the Inspection of all Persons interested therein and affected by this Act, without Fee or Reward.

Orders
revoked.

V. And be it further enacted, That no Order made by the said Commissioners at any of their Meetings, shall be revoked or altered at any subsequent Meeting, unless at some Meeting to be holden for that express Purpose, (of which Ten Days Notice shall be given as by this Act is directed, therein expressing such proposed Revocation or Alteration), nor unless a greater Number of Commissioners than were present when such Order was made, shall attend and vote at such subsequent Meeting to revoke and alter the same, such greater Number consisting of Nine at the least.

Meetings.

VI. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and they are hereby required to meet at the Guildhall, or some other convenient Place within the said Borough and Parish, on the Fourth *Wednesday* after the passing of this Act, between the Hours of Ten and Twelve of the Clock in the Morning, for the Purpose of carrying this Act into Execution, and shall and may then and from Time to Time afterwards adjourn themselves to meet at the Guildhall aforesaid, or any other convenient Place within the said Borough and Parish, on some future Day to be by them then and there appointed, between the Hours aforesaid, for the Purpose of proceeding in the Execution of this Act; and if it shall so happen that there shall not appear at the first or any future Meeting of the said Commissioners appointed to be holden in pursuance of this Act, a sufficient Number of Commissioners to act or to adjourn to another Day, (any Three Commissioners to be deemed sufficient for the Purpose of Adjournment), or if the said Commissioners shall refuse or neglect to adjourn, or shall adjourn, and it shall be deemed necessary that a Meeting of the said Commissioners should be holden on any earlier Day than the Day to which such Meeting shall have been adjourned; then and in every such Case any Three or more of the said Commissioners, or the Clerk for the Time being to the said Commissioners, shall and may call a Meeting of the said Commissioners, to be holden on such Day between the Hours aforesaid, by Notice in Writing or Print, (such Notice being signed by the Commissioners calling such Meeting, or by the said Clerk, and affixed on the Door of the Church of the said Borough and Parish, Ten Days at least before the Day previous to the Day of holding such Meeting, and exclusive of the Day of giving such Notice, and of the Day of holding such Meeting), as they or he shall think proper; and that at every Meeting to be holden in pursuance of this Act, a Chairman shall and may be appointed,

pointed, and in all Cases where any Difference of Opinion shall arise, the Question shall be decided by a Ballot of such of the said Commissioners as shall then be present, in case such Ballot shall be demanded by either of the said Commissioners; and when and as often as it shall happen that there be an equal Number of Votes upon any Question, (including the Chairman's Vote), the Chairman shall have the decisive or casting Vote; and that the said Commissioners shall at all Meetings to be holden in pursuance of this Act, defray their own Expences.

VII. And be it further enacted, That as often as any of the Commissioners hereby appointed, or to be appointed as herein-after mentioned, not being the Mayor or one of the Aldermen or Capital Burgeses of the said Borough and Parish for the Time being, shall die, resign, refuse, or neglect to act for the Space of Twelve Calendar Months in the Execution of this Act, or otherwise become disqualified from acting as a Commissioner by virtue of this Act, then and in every such Case it shall and may be lawful to and for the Parishioners of the said Barony and Parish of *Barnstaple*, or any Seven or more of them, from Time to Time, (at a Vestry Meeting to be holden for that Purpose), to nominate and appoint another Person to be a Commissioner in the Room or Stead of every such Commissioner so dying, resigning, refusing, or neglecting to act, or otherwise becoming disqualified as aforesaid, Notice of every Meeting for electing every such Commissioner, and of all and every other Meeting or Meetings to be holden by virtue and in pursuance of this Act, being affixed upon the Door of the Church of the said Borough and Parish, at least Ten Days before every such Election or Meeting; and every Person hereafter so elected and appointed, shall be a Commissioner, and shall have the same Powers and Authorities for putting this Act into Execution, as if he had been named a Commissioner in and by this Act, and shall be subject and liable to the same Rules, Regulations, Penalties, and Forfeitures.

New Com-
missioners.

VIII. And be it further enacted, That the said Commissioners may and they are hereby authorized and required by Writing under their Hands to elect, appoint, and employ such Clerks, Treasurers, and Collectors of the Rates or Assessments to be collected, levied, and raised by virtue of this Act, and also such Surveyors, Scavengers, and other Officers and Persons as they the said Commissioners shall find necessary for the Execution of this Act, and any such Clerks, Treasurers, Collectors, Surveyors, Scavengers, and other Officers and Persons from Time to Time to remove or displace as they shall think fit, and to choose and appoint others in the Room of such of them as shall be removed, or shall die, or resign their Office, Ten Days Notice being first given as aforesaid of such Removal, Death, or Resignation, and of the Time and Place of Meeting for filling up the Vacancy or Vacancies thereby occasioned; and the said Commissioners may and are hereby authorized and empowered, by, from, and out of the Monies to be raised and received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances to such Officers, and to all other Persons by the said Commissioners to be employed in the Execution of this Act, 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 Clerk, Treasurer, and other Officers for the due Execution of their respective Offices, as they the said Commissioners shall think proper; and all such Officers and Persons so to be appointed as aforesaid, shall under

Officers.

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 Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purposes, 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 or Treasurers shall on the first *Wednesday* after the Twenty-fourth of *June* in every Year, (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 Officers so accounting as aforesaid, shall upon Oath, (which Oath any Three 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 Twenty 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, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Commissioners, or as they shall direct or appoint; then and in every such Case such Commissioners may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of such Books, Papers, and Writings, and also of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be 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 or Officers, Person or Persons so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Officers, Person or Persons so refusing or neglecting as aforesaid, to be apprehended and brought before him, and upon his appearing, or having been summoned and not appearing, without some reasonable or sufficient Excuse, 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 One or more 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 be in the Hands of and remain due from such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon the 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 Châttels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if it shall in Manner aforesaid appear to such Justice that such Officer or Officers, Person or Persons 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 or Officers, Person or Persons, and that he or they 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 have compounded 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 Vouchers, Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners: Provided always, that no such Officer or Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels, shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

IX. And be it further enacted, That if any Treasurer, Clerk, Collector, Surveyor, or any other Officer or Person who shall or may hereafter be appointed or employed by the said Commissioners in putting this Act or any of the Powers thereof into Execution, shall exact, demand, accept, take, or receive any Fee or Reward whatsoever, other than such Salaries, Allowances, Wages, and Reward 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, or any of them, 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 forever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall forfeit and pay the Sum of Fifty Pounds to be recovered by Action of Debt or on the Case, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, within Six Calendar Months next after the Offence committed, with full Costs of Suit; in which no Protection, Essoign, or Wager of Law; or more than One Impar lance shall be allowed; One Moiety of which Penalty shall be paid to such Person or Persons who shall sue for the same, and the other Moiety thereof to the Treasurer to the said Commissioners, to be applied for the general Purposes of this Act.

Officers not
to exact Fees.

X. And be it further enacted, That it shall and may be lawful to and for the Mayor, Aldermen, and Capital Burgeses of the said Borough and Parish,

Market
Houses, &c.
to be built
and provided.

Parish, and their Successors for the Time being, and they are hereby specially authorized and empowered, as soon as conveniently may be after the passing of this Act, (of their own sole and proper Authority, and without the Aid, Interference or Authority of the other Commissioners hereby appointed for putting the general Purposes of this Act into Execution), to erect, build, or set up, or cause to be erected, built, or set up, any new, proper, and commodious Market House or Houses, Place or Places, Shambles, Shops, and Stalls, with all necessary Conveniences therein and thereunto, on the Scite of the present Markets or elsewhere, in any Place or Places within the said Borough and Parish as they shall judge most convenient and proper for holding a Market or Markets, for the Sale of all Butchers Meat, fresh Fish, Corn, and Grain; and they are hereby also solely authorized and empowered to establish and hold the said Market or Markets for the Sale of all Butchers Meat, fresh Fish, Corn, and Grain as aforesaid, in such Place or Places accordingly.

For preventing Annoyances.

XI. And be it further enacted, That no Person or Persons shall put, place or set up, or cause to be put, placed, or set up any Shop, Stall, Shew, or Standing, or expose to sale any Corn, Grain, Butchers Meat, or fresh Fish, on any of the public Footpaths or Highways in the said Borough and Parish of *Barnstaple*, other than within the Limits of the said Market Place, except during the Period of the Fair held annually, upon Pain of every Person so offending forfeiting for every such Offence, on Conviction before One or more Justice or Justices of the Peace, any Sum not exceeding Five Pounds, to be recovered and applied as is herein-after directed.

Not to prevent Persons from selling in their Houses or Shops.

XII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent or hinder any Person from selling or exposing to Sale any marketable Commodities, Matters, or Things whatsoever, in his or her own private Dwelling House, or in his or her own Shop, being Part of his or her own private Dwelling House, in any Part of the said Town of *Barnstaple*.

Regulating Markets.

XIII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Capital Burgeses, and their Successors for the Time being, and they solely have hereby full Power and Authority from Time to Time as Occasion shall require, to make, constitute, provide, and ordain such Rules, Regulations, Orders, and Bye Laws, as they shall think fit for the better regulating, ordering, and governing, not only of the several Markets already erected, established, and held, but also of all or any other Market or Markets that shall hereafter be by them erected, established, or held within the said Borough and Parish for the said several Purposes, or any of them, and also for regulating, ordering, and governing all Persons, both Buyers and Sellers thereto coming and resorting, in all Matters which do or may concern or relate to such Market or Markets, or any of them, and likewise for the regulating and ordering of all other Matters and Things which do or may concern or relate to such Market or Markets, or any of them; and also from Time to Time as often as Occasion shall require, to nominate and appoint such Officer and Officers as they the said Mayor, Aldermen, and Capital Burgeses shall adjudge necessary and proper to be, attend, and remain in the said Market or Markets, or any of them, for the better regulating, ordering, and governing of the same, and for putting such Rules, Regulations, Orders, and Bye Laws

into

into due Execution, such Officer or Officers to be paid such reasonable Fees, Salaries, or Reward, by the Mayor, Aldermen, and Capital Burgeses for the Time being, for such his or their Attendance, as they the said Mayor, Aldermen, and Capital Burgeses, shall think fit; and it shall and may be lawful to and for the said Mayor, Aldermen, and Capital Burgeses from Time to Time as they shall think fit, to repeal, alter, or amend such Rules, Regulations, Orders, and Bye Laws, or any of them, as they shall think fit; and shall ascertain and therein set down what pecuniary and other Penalties and Forfeitures shall be incurred by Persons breaking or evading such Rules, Regulations, Orders, and Bye Laws, or any of them; provided that no such pecuniary Penalty shall exceed the Sum of Forty Shillings for each Offence; all which said Rules, Regulations, Orders, and Bye Laws so to be made as aforesaid, all Persons as aforesaid coming and resorting to the said Market or Markets, or any of them, are hereby required to observe and keep, under such Penalties and Forfeitures respectively as shall be so ascertained and set down as aforesaid: Provided always, that such Bye Laws shall not be contrary to the Laws of that Part of the United Kingdom called *England*, or to the Provisions of this Act; and all such Bye Laws shall be printed and put up in such Place or Places in the said Market as will allow of their being seen and read by all Persons desirous of reading the same.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Capital Burgeses, and their Successors for the Time being, and they are hereby authorized and empowered, in order to enable them the better to defray the Expences of supporting and keeping in Repair the said Market House or Houses, Place or Places, and other Conveniences, to let such Shops, Shambles, Stalls, or other Conveniences to be erected, built, or set up as aforesaid, to and for the Use of Butchers and other Persons coming and resorting to the said Market or Markets, any or either of them, in such Manner and under and subject to such Rules and Regulations as they the said Mayor, Aldermen, and Capital Burgeses, and their Successors for the Time being shall think proper, and to receive and take such Rents or Payments for the same, as shall be agreed on and contracted for between the said Mayor, Aldermen, and Capital Burgeses, and their Successors for the Time being, and the said Butchers and other Persons respectively.

For letting
Market
Stalls, &c.

XV. And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, or dress, or cause to be killed, slaughtered, singed, scalded, or dressed, any Beast, Swine, Calf, Sheep, or other Cattle, in any Part of the said Market or Shambles for Butchers Meat, or shall wilfully, carelessly, or negligently injure, deface or spoil any Part of the said Shambles, Shops, or Stalls, or the Walls, Columns, Steps, or Pavements belonging thereto, or any Part thereof whatsoever, every Person or Persons so offending shall forfeit for the First Offence the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Eighty Shillings; and shall, over and above such respective Penalties, pay such Sum or Sums of Money as the Justice or Justices, before whom the said Complaint shall be heard, shall think reasonable, by Way of Satisfaction for any Damage done by such Offender or Offenders.

For prevent-
ing Nui-
sances in the
Markets.

For purchas-
ing Lands and
Tenements.

XVI. And, in order to complete the said Market House or Houses, Place or Places, and also to render the several Streets, Lanes, Ways, and other public Passages and Places within the said Borough and Parish more safe and commodious; be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Capital Burgeses for the Time being, and their Successors, and to and for the said Commissioners respectively, to contract and agree with any Person or Persons, 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 of the Messuages, Buildings, Lands, Tenements, and Hereditaments mentioned and described in the Schedules hereunto annexed and marked with the Letter A. and B. respectively, and such other Messuages, Buildings, Lands, Tenements, and Hereditaments as may be necessary for the several Purposes of this Act, for the absolute Purchase of all such Messuages, Buildings, Lands, Tenements, or Hereditaments, or either of them, or any Part or Parts thereof, and to become respectively seised and possessed thereof, and of the Fee Simple and Inheritance thereof; and to that End it shall be lawful for all Persons, Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, who are or shall be seised or possessed of, or entitled in their own Right, and all Trustees, Feoffees in Trust, Femes Covert, Husbands, Guardians, Committees, Executors, and Administrators, not only for and on Behalf of themselves, their Heirs and Successors; but also for and on Behalf of their respective *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, 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 other Person or Persons whomsoever who are or shall be seised or possessed of or interested in all or any of the said Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned and described in the said Schedules respectively, or such other Messuages, Buildings, Lands, Tenements, or Hereditaments as may be necessary for the Purposes of this Act, either in Possession or Reversion, to contract for, sell, convey, or surrender to the said Mayor, Aldermen, and Capital Burgeses for the Time being, and their Successors, or to the said Commissioners and their Successors respectively, or any Seven or more of such Commissioners, or to such Person or Persons as they shall appoint, in Trust, to be made Use of for the Purposes of this Act, all or any of such Messuages, Buildings, Lands, and Hereditaments, and every or any Part thereof, and their respective Estates, Rights, Titles, and Interests therein; and that all such Contracts, Agreements, Bargains, Sales, Surrenders, and Conveyances which shall be so made as aforesaid, shall be good and valid in the Law to all Intents and Purposes, to convey the Right, Title, Estate, and Interest of all Persons whomsoever in the Premises, any Law to the contrary notwithstanding: Provided always, that if any Bodies Politic, Corporate, or Collegiate, or other Person or Persons who are hereby enabled to sell and convey the said Premises, shall refuse to treat, contract, or agree with the said Mayor, Aldermen, and Capital Burgeses, or their Successors for the Time being, or with the said Commissioners respectively as aforesaid, or by Reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, then and in such Case, upon Fourteen Days Notice at the least in Writing by the Town Clerk of the said Borough and Parish, or the Clerk to the said Commissioners, as the Case may require, previous to any General Quarter Sessions of the Peace to be holden

holden for the said County of *Devon*, or any Adjournment thereof, being given to such Person or Persons; or to the principal Officer of any Bodies Politic or Corporate, or left at the House of the Tenant in Possession of the Premises so intended to be purchased, or where there is no Tenant in Possession or Occupier, then upon such Notice being affixed to or put on some Part of the respective Premises, denoting and particularly describing the Lands, Buildings, Houses, Tenements, or other Hereditaments intended to be purchased, and purporting that Application would be made at such Sessions for the Value thereof, to be adjusted and settled by a Jury at the said Sessions, or any Adjournment thereof, the Justices at such Sessions, or any Adjournment thereof, upon Proof to them made of such Notice having been so given or left, or affixed, or put up as aforesaid, are hereby authorized and required to charge a Jury, and to cause them to be sworn well and truly to enquire into and ascertain the Value of the Premises comprized in the Notice so given, and the Damage and Recompence to be awarded or given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; 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 when they come to be sworn; and any Justice of the Peace for the said County is hereby authorized and empowered upon Application to him by any of the Parties interested, by Warrant under his Hand and Seal, to call before the Justices at such Sessions or Adjournment thereof, any Person or Persons who shall be thought proper to be examined concerning the Premises; and the said Jury upon their Oaths, shall enquire touching the Value of such Premises, and shall ascertain the Recompence to be made for the same, and the said Justices shall and may give Judgment for the Money so to be ascertained; which Verdict of the said Jury, and the Judgment of the said Justices thereupon, shall be final, binding, and conclusive to all Intents and Purposes upon all Parties interested, and shall be fairly entered and kept amongst, and shall be deemed Part of the Records of the Quarter Sessions for the said County; 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.

XVII. 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 Mayor, Aldermen, and Capital Burgesses for the Time being, or their Successors, or of the said Commissioners respectively, for any such Dwelling Houses, Buildings, Grounds, Lands, Tenements, or other Hereditaments, for 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 Mayor, Aldermen, and Capital Burgesses for the Time being, or their Successors, or by the said Commissioners respectively, out of the Monies to arise by virtue of this Act; but if a Verdict shall be given for no greater, or for a less Sum than shall have been so previously offered by or on the Behalf of the said Mayor, Aldermen, and Capital Burgesses for the Time being, or their Successors, or of the said Commissioners respectively, 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 unavoidable or necessary Absence, any Person or Persons shall have been prevented from treating with
the

Expences of
Jury.

the said Mayor, Aldermen, and Capital Burgeſſes for the Time being, or their Succeſſors, or with the ſaid Commiſſioners reſpectively, the Whole of ſuch Coſts and Expences ſhall be borne and paid by the ſaid Mayor, Aldermen, and Capital Burgeſſes for the Time being, or their Succeſſors, or by the ſaid Commiſſioners reſpectively; and whenever any Coſts or Charges ſhall or may be payable to the ſaid Mayor, Aldermen, and Capital Burgeſſes for the Time being, or their Succeſſors, or to the ſaid Commiſſioners reſpectively, ſuch Coſts and Charges ſhall and may be deducted out of the Sum to be paid by the ſaid Mayor, Aldermen, and Capital Burgeſſes for the Time being, or their Succeſſors, or by the ſaid Commiſſioners reſpectively, 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.

Application
of Compenſa-
tion Money
when 200l.

XVIII. And be it further enacted, That if any Money ſhall be paid, or agreed or awarded to be paid for the Purchase of any Buildings, 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, 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 or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Mayor, Aldermen, and Capital Burgeſſes for the Time being, and their Succeſſors, or the Commiſſioners of this Act reſpectively, 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 Buildings, Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Parts thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Buildings, Lands, Tenements, or Hereditaments, or affecting other Buildings, 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 or Approbation of the ſaid Court, in the Purchase of other Buildings, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Buildings, 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 mean Time, and until ſuch Purchase ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid

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

XIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Buildings, Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or 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 Buildings, 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 the said Mayor, Aldermen, and Capital Burgesses, for the Time being, or their Successors, or by Three or more of the said Commissioners respectively, (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 said Court of Chancery.

When less than 200*l.* and more than 20*l.*

XX. 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 Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Mayor, Aldermen, and Capital Burgesses, for the Time being, or their Successors, or the said Commissioners respectively, or any Three or more of such Commissioners shall think fit; or in case of Infancy 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.

When less than 20*l.*

XXI. And be it further enacted, That in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom any Sum or Sums of Money shall be agreed, awarded, or assessed to be paid

In case of defective Titles.

[*Loc. & Per.*]

38 H

for

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 such Lands, Tenements, or Hereditaments, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Mayor, Aldermen, and Capital Burgeses for the Time being, or their Successors, or the said Commissioners respectively, or any Three or more of such Commissioners, to order the said Sum or Sums of Money so awarded or assessed to be paid as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, 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.

In case of
disputed
Titles.

XXII. And be it further enacted, That when any Question shall happen to 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 Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Buildings, 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 Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was an illegal or wrongful Possession, and that some other Person or Persons was or were legally entitled to such
Buildings,

Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Mayor, Aldermen, and Capital Burgeses for the Time being, and their Successors, and also to the said Commissioners and their Successors respectively, shall be made in the Form and to the Effect following; (that is to say),

Form of
Conveyance.

I of the Sum of _____ of _____ in Consideration to be paid by the Mayor, Aldermen, and Capital Burgeses of the Borough and Parish of *Barnstaple*, in the County of *Devon*, or by the Commissioners, [*as the Case may be*], acting by virtue of an Act passed in the Fifty-first 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 Mayor, Aldermen, and Capital Burgeses, and their Successors, [*or,*] to the said Commissioners and their Successors, [*as the Case may be*], 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 Mayor, Aldermen, and Capital Burgeses, and their Successors, [*or,*] to the said Commissioners, and their Successors, [*as the Case may be*], 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.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Capital Burgeses for the Time being, or their Successors, or to and for the said Commissioners respectively, to sell, dispose of, and convey the Whole or any Part or Parts of any Building or Buildings, Lands, Tenements, or Hereditaments which may have been purchased under the Authority of this Act, for the Purpose of making such several Alterations or Improvements as aforesaid as may afterwards be found unnecessary for the Purposes of this Act, to any Person or Persons willing to purchase the same, or to exchange the same for any other Buildings, Lands, Tenements, or Hereditaments; and every such Sale or Exchange, or Deed or Instrument of such Sale or Exchange, shall be good, valid, and effectual to all Intents whatsoever; but no such Sale shall be made until Choice of Pre-emption be first given or offered to the Person or Persons of whom such Property so to be re-sold shall have been previously purchased, who are hereby authorized and empowered, (in case any Difference shall arise in respect of the Value of such re-sold Property), to appeal to the General Sessions of the said Borough and Parish of *Barnstaple*, which shall happen next after such Offer, on giving Ten clear Days Notice thereof to the Town Clerk for the Time being of the said Borough and Parish, or to the Clerk for the Time being to the said Commissioners, as the Case may require; and the Justices assembled at such General Sessions are hereby empowered and directed, (on Proof to them given of such Notice having been duly served), to charge a Jury, and to cause them to be sworn well and faithfully to enquire into and ascertain the Value

For Sale of
Parts of
Premises.

Value of such Premises so intended to be re-sold, and the said Jury upon their Oaths shall inquire touching the Value of such Premises, and shall ascertain the Sum to be paid for the same, and the said Justices shall and may give Judgment for the Money so to be ascertained; which Verdict of the said Jury, and the Judgment of the said Justices, shall be binding and conclusive to all Intents and Purposes upon all Parties interested, and shall be fairly entered and kept amongst and shall be deemed Part of the Records of the said Sessions, 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 it shall and may be lawful for the said Mayor, Aldermen, and capital Burgeses for the Time being, and their Successors, and the said Commissioners respectively, to plan, design, and lay out in what Manner any new House or Houses, or Edifices to be erected upon such Piece and Pieces of Ground so to be sold and exchanged, shall be built or erected; and that all Monies that shall or may arise by any such Sale or Sales, or Exchange as aforesaid, shall be applied to the several Purposes of this Act, but the Purchaser or Purchasers shall not be answerable or accountable for any Misapplication or Non-application thereof.

Tenants to
quit.

XXV. And be it further enacted, That in case the said Mayor, Aldermen, and Capital Burgeses, and their Successors for the Time being, or the said Commissioners respectively, as the Case may be, or any Person authorized by them respectively, shall after any Messuages, Buildings, Lands, or Hereditaments, shall be purchased in pursuance of this Act, give Six Calendar Months Notice in Writing to all or any of the Tenants at Rack Rent, or Occupiers of such Messuages and Buildings, Lands or Hereditaments, to quit or deliver up the Possession thereof, then every such Tenant or Occupier shall at the End of every such Six Calendar Months peaceably and quietly deliver and yield up the Possession of the said Premises so by him, her, or them respectively held or occupied, whether upon Demise, Lease, or otherwise, to the said Commissioners, or to the Person or Persons who shall be appointed by them to take Possession thereof, reasonable Satisfaction being made to such Person or Persons for the same, such Satisfaction (in case of Disagreement respecting the same) to be settled and ascertained by a Jury, with such Power of Appeal as is herein mentioned in Cases of Sale; and all Leases, Demises, or Agreements for renting or holding the same at Rack Rent, or otherwise theretofore made, shall from the End of the said Six Calendar Months be absolutely void and of none Effect as against the said Mayor, Aldermen, and Capital Burgeses and their Successors, or the said Commissioners, or either of them respectively; and if any Person or Persons so in Possession shall refuse to give up such Possession at the Expiration of such Six Calendar Months after such Notice, it shall and may be lawful for the said Mayor, Aldermen, and Capital Burgeses, and their Successors for the Time being, and the said Commissioners respectively, to issue their Precept or Precepts to the Constables of the said Borough and Parish of *Barnstaple* for the Time being, or to any or either of them, to cause Possession of the Premises to be delivered to such Person or Persons who shall in such Precept or Precepts be nominated to receive the same; and the said Constable or Constables is and are hereby respectively required to deliver up such Possession of the Premises therein mentioned accordingly, and to levy such Costs as shall accrue by Means of the issuing and executing of every such Precept
or

or Precepts, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up Possession as aforesaid, and shall refuse or neglect to pay such Costs.

XXVI. And be it further enacted, That every Mortgagee of any Messuages, Buildings, Lands, and Hereditaments which shall be purchased or acquired by the said Mayor, Aldermen, and Capital Burgeses for the Time being, or their Successors, or by the said Commissioners respectively, or any of them, in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, on having Six Calendar Months Notice in Writing given to him, her, or them from the said Mayor, Aldermen, and Capital Burgeses for the Time being, or their Successors, or the said Commissioners respectively, or any Person authorized by them respectively, of paying off the Principal and Interest Money which shall be due on such Mortgages respectively, shall at the End of the said Six Calendar Months after such Notice, on Payment or Tender of the Principal Money and Interest which shall be then due, convey and assign his, her, and their respective Estates and Interests in and to the said mortgaged Premises, to the said Mayor, Aldermen, and Capital Burgeses for the Time being, and their Successors, or to the said Commissioners respectively, or to such Person or Persons as they shall respectively nominate and appoint, in Trust for the Uses and Purposes of this Act; and if any such Mortgagee, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do, then all Interest on every such Mortgage, from the Expiration of the said Six Calendar Months after every such Notice, shall wholly cease and determine.

Mortgagees
to convey.

XXVII. Provided also, and be it further enacted, That when 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, and 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 said Court shall deem reasonable, to be paid by the said Mayor, Aldermen, and Capital Burgeses for the Time being, or their Successors, or by the said Commissioners respectively, out of the Money 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.

Court of
Chancery
may direct
Payment of
Expences.

XXVIII. And be it further enacted, That all and every Part of the present and future Pavements in the several Streets, Lanes, and other public Passages and Places within the said Borough and Parish, and the Stones, Gravel, and other Materials of which as well the Footways which may be hereafter made, as Carriage-ways of such Streets, Lanes, and other public Passages and Places, do and shall consist, and also all the Dirt, Dust, Dung, Ashes, and Filth to be gathered and collected in or from the said Places, or any of them, and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the general Purposes of this Act, shall belong to and be the Property of, and

Pavements
and Mate-
rials, &c.
vested in the
Commis-
sioners.

are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, or apply all or any of the said Articles or Things, or any Part or Parts thereof, to and for any of the general Purposes of this Act; and if any Person or Persons shall detain, spoil, injure, or destroy any or any Part of the said several Articles or Things hereby vested in them the said Commissioners as aforesaid, or shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Works done in pursuance of this Act, or any Part or Parts thereof, every Person so offending therein, and being thereof convicted upon the Oath of One or more Witness or Witnesses before any Justice or Justices of the Peace for the said Borough and Parish, (which Oath such Justice or Justices is and are hereby empowered to administer), shall forfeit and pay any Sum not exceeding Ten Pounds, to be appropriated and applied as the said Commissioners shall direct, 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 such Justice or Justices as last aforesaid; and in case such Offender shall not on Conviction pay such Forfeiture, and also such Satisfaction as aforesaid, the Justice or Justices before whom such Conviction shall take place, shall be and is and are hereby required to commit such Offender to the Common Gaol or House of Correction of and for the said Borough and Parish, 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 paid and given; Provided always, that it shall and may be lawful for the said Commissioners, in all Cases wherein they may think proper, to cause any Action or Actions to be brought, or Bill or Bills of Indictment to be preferred (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 or Things hereby vested in the said Commissioners, or any of them, or any Part or Parts thereof as aforesaid; and in all such Actions and Bills of Indictment 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 Borough and Parish of *Barnstaple*," without particularly mentioning or specifying the Name or Names of all or any of the said Commissioners.

Streets, &c.
to be paved,
&c.

XXIX. 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 at any future Time or Times, if they shall think fit, to new pitch and pave all or any Part of any of the Streets, Lanes, Footpaths, and other public Passages and Places within the said Borough and Parish, as well Carriage as Footways, and from Time to Time, when and as often as they shall think proper, to cause all or any of the present or future Pavements in the several Streets, Lanes, and other public Passages and Places within the said Borough and Parish, already erected or made, or which shall hereafter be erected or made in the said Borough and Parish, both in the Carriage and Footways, to be taken up, raised, lowered, altered, relaid, pitched, paved, or repaired, in such Manner as the said Commissioners may think proper, and

at

at any Time or Times hereafter to cause such sufficient Footways as they shall think proper in the said several Streets and Places, where the same can properly be set out and left, to be laid with Pavement of Flag Stones; provided that the Carriage Ways on the Remainder of the said Streets, Lanes, and other public Passages and Places, shall be paved with good Pebbles, Quarry Stones, Limestones, or such other good and lasting Materials as they shall judge necessary and proper; and also to cause the said several Streets, Lanes, and other public Passages and Places within the said Borough and Parish to be cleansed, and all Annoyances, Obstructions, Nuisances, and Encroachments therein to be removed, and the present Drains, Sinks, Gutters, and Watercourses for conveying the Water off and from the said Streets, Lanes, and other public Passages and Places, to be from Time to Time, as Occasion shall require, amended, repaired, cleansed, scoured, altered, turned, changed, stopped up, opened, or widened, and also to cause to be cut or made, in, through, over, or under any of the said Streets, Lanes, and other public Passages and Places, any new Tunnels, Gutters, Sinks, Drains, Sewers, and Watercourses, for conveying the Water from the same respectively, in such Manner as they the said Commissioners shall think fit.

XXX. 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, Lanes, and other public Passages and Places, out of or from any Lands or Grounds situate within the said Borough and Parish (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleasure Ground, Avenue, or Nursery for Trees), such Surveyor or other Persons having given Ten Days previous Notice thereof, according to the Provisions of this Act, to the Owners or Occupiers of such Lands and Grounds, and paying or tendering to such Owners or Occupiers for such Materials, and for the 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 Sessions of the Peace for the said Borough and Parish, who shall in a Summary Way settle and determine the same, and award Costs to either Party, and the Judgment or Order of 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, Lanes, and other public Passages and Places, such Gravel, Stones, Sand, Clay, Chalk, and other Materials, for the Purposes aforesaid.

Surveyor
may get
Materials.

XXXI. And be it further enacted, That if any Person or Persons shall at any Time hereafter, without the previous Consent and Approbation in Writing of the said Commissioners, take up or cause to be taken up, or make or cause to be made any Alteration in the Form of the Pavement or future Flagging, or of any Part thereof, in any of the said Streets, Lanes,

No Person to
take up
Pavement.

or other public Passages or Places within the said Borough and Parish, and by this Act directed to be paved or repaired, such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and shall moreover, at his or their own Expence (within One Calendar Month after Notice given for that Purpose by the said Commissioners or their Clerk or Surveyor), cause the same Pavement or Flagging respectively which shall have been so altered or taken up, to be reinstated and put into the same Form and Condition as it was on or before the making such Alteration; and in case of Neglect or Refusal so to do, then the said Commissioners shall and may cause the same to be so done, and the Costs and Charges thereof shall be borne and defrayed by the Person or Persons so neglecting or refusing; such Costs and Charges to be recovered (in case of Nonpayment thereof upon Demand) in like Manner as any Penalty is by this Act directed to be levied and recovered.

XXXII. Provided always, and be it further enacted, That it shall be lawful for the Proprietors of the Water Works for supplying the said Town with Water, to take up and break up the Pavement of the said Streets, for the Purpose of repairing their Pipes, and laying down new Pipes, when the same may be required, giving Notices to the Clerk or Surveyor of the said Commissioners of their Intention so to do, and repairing and again laying down such Pavement in such Manner as the said Surveyor shall direct and approve of, and making good all Damage in such Pavement, as soon as the same can be done, so as the said Commissioners shall not be put to any Expence by reason of the taking up of such Pavement for the Purpose aforesaid; and in case of any Neglect, then the Commissioners may cause the same to be done, and receive the Amount from the Proprietors of the said Water Works, in like Manner as such Costs or Expences may be recovered of any Person neglecting to reinstate any such Pavement.

Pavements to be mended on the Complaint of any Inhabitant.

XXXIII. And be it further enacted, That if any Householders within the said Borough and Parish shall make Complaint in Writing under their Hands to the said Commissioners, or their Clerk or Surveyor, of any Defect or Want of Reparation in any of the Pavements or future Flagging which shall have been made, laid, or repaired by virtue of this Act, then and in every such Case the said Commissioners shall forthwith cause the Pavements so complained of to be inspected, and the Condition thereof reported to the said Commissioners; and if the same shall be found defective or in want of Repair, and shall be so reported to them, then they shall forthwith cause the same to be repaired by their Paviour, or the Person contracting with them for repairing the Pavement or future Flagging complained of; and if the Paviour or Contractor to whom such Order shall be given, shall not, within One Calendar Month next after the Receipt thereof, repair the said defective Pavement, he shall forfeit and pay the Sum of Ten Shillings for every Day that the said defective Pavement or Flagging shall remain unrepaired after the Expiration of the said One Calendar Month, and One Moiety of every such Penalty shall be paid to the Persons making such Complaint as aforesaid, and the other Moiety shall be applied to the Purposes of this Act.

Pavements to be swept.

XXXIV. And be it further enacted, That all and every Person and Persons inhabiting within the said Borough and Parish shall well and sufficiently

ciently sweep and clean, or cause to be swept or cleansed the Footway or Pavement before, behind, and at the Sides of their respective Houses, Buildings, and Walls, as the Situation thereof shall require, Twice at least in every Week, or oftener if thereto required by the said Commissioners, or their Surveyor or Surveyors for the Time being, upon Pain of forfeiting any Sum not exceeding Ten Shillings for such Neglect therein.

XXXV. And be it further enacted, That no Person or Persons shall take or carry away, or cause to be taken or carried away any Ashes, Dust, Dirt, Muck, Dung, Manure, or other Filth which shall be made in any of the said Streets, Lanes, and other public Passages and Places within the said Borough and Parish, (save and except the Market House or Houses, Place or Places to be erected or provided by virtue and in pursuance of this Act, and which shall be under the sole Management and Direction of the said Mayor, Aldermen, and capital Burgesses for the Time being, and their Successors), other than and except the Person or Persons employed by or under, or contracting with the said Commissioners for cleansing the same, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting as aforesaid, upon Pain of forfeiting and paying for every such Offence any Sum not exceeding Forty Shillings.

Dust, &c. not to be removed from Houses but by Order of Mayor, &c.

XXXVI. 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 Borough and Parish 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 Borough and Parish 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 permit or suffer the same to lie in any of the said Streets, Lanes, public Passages or Places in the said Borough and Parish, 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, and other public Passages or Places, after the Time or Times herein directed for emptying and carrying away the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Twenty 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, and other 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 so lying or being in such Streets, Lanes, or other public Passages or Places, or either of them, to his or their own Use and Uses, and

Except for Parties own Use.

to sell and dispose of the same, without rendering any Satisfaction for the same.

For removing Projections, &c. from Streets.

XXXVII. And be it further enacted, That the respective Occupiers of Houses and other Buildings within the several Streets, Lanes, and other public Passages and Places to be cleansed and watched within the said Borough and Parish by virtue of this Act, shall and they are hereby required, at their own Costs and Charges, within such Time and in such Manner as the said Commissioners shall from Time to Time by Notice in Writing under the Hand of their Clerk, to be delivered to such Occupiers, or left at their respective Dwelling Houses, or usual or last Place of Abode, direct and appoint, to cause all Signs and Shew Boards, and other Emblems used to denote the Trade, Occupation, or Calling of any such Occupier, which now or hereafter shall belong to, or be fixed up near or against such respective Houses or other Buildings as aforesaid, to be fixed or placed flat on the Fronts thereof, and all Signs, Irons, Sign Posts, Barbers Poles, and other Posts, Palisadoes, Rails, Pillars, Penthouses, Porches, Sheds, Butchers Hooks, Spouts, Water Pipes, Steps, Bars, or projecting Windows, Blinds, and Cellar Windows, Stalls, Bulks, Doors, Hatchways, and other Encroachments, Obstructions, Projections, and Annoyances in, over, or upon any of the said Streets, Lanes, Highways, or other public Passages or Places, which now or hereafter shall belong to such respective Houses or other Buildings, to be taken down, removed, altered, or otherwise reformed; and also to cause the Water to be conveyed from the Roof or Roofs, Eaves or Cornices of or belonging to such respective Houses or other Buildings, by proper and sufficient Pipes or Trunks, to be fixed to and down the Sides of such Houses and other Buildings respectively, in such Manner as the said Commissioners by Writing signed by their Clerk shall direct; and in case the Occupier of any such House or other Building as aforesaid, shall neglect or refuse to cause any such Sign or Iron, Sign Post, Barbers Poles, or other Posts, Rails, Palisadoes, Pillars, Penthouse, Spout, Water Pipe, Step, Porch, Shed, Butchers Hooks, Bars, or projecting Window Blind, Cellar Window, Stall, Bulk, Door, Hatchway, or other Encroachment, Obstruction, Projection, or Annoyance as aforesaid, to be removed, altered, or reformed, as herein-before directed, or to cause the Water to be conveyed from the Roofs, Eaves, or Cornices of or belonging to such House or other Building, within such Time and in such Manner as in such Notice shall be expressed, it shall and may be lawful for the said Commissioners, and they are hereby required to cause the same to be done, and to levy the Costs and Charges attending the same upon or from the Persons aforesaid, in like Manner as the Rates or Assessments to be made in pursuance of this Act, are hereby authorized and directed to be levied and recovered; and every such Person, being Tenant at Rack Rent, may deduct and retain the same out of his or her Rent, and the Owner, Proprietor, or Landlord of every such House or other Building, or the Person entitled to the Rent of such Premises, is hereby required to allow such Deduction accordingly.

Preventing Annoyances in Streets.

XXXVIII. And be it further enacted, That if any Person or Persons shall upon any of the Footways or Foot Pavements which shall or may be made, paved, or repaired by virtue of this Act, within the said Borough and Parish, wilfully run, draw, drive, carry, or place any Wheel, Sledge, Dray,

Dray, Wheelbarrow, Handbarrow, Truck, or Carriage whatsoever, or shall roll any Cask or Tub, or drag any Timber or Log of Wood along or upon the same, or shall wilfully ride, drive, or lead any Horse or other Beast or Cattle whatever on any of the Footways or Foot Pavements made, paved, or repaired as aforesaid, or wilfully break or damage any of the said Footways, Pavement, or Pitching, or shall, from and after the passing of this Act, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, either wholly or in part, or hoop, cleanse, fire, wash, or scald any Cask, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or build, make, or repair any Coach, Chaise, Waggon, Sledge, or other Carriage whatsoever, or any Wheel or Wheels of any or either thereof, except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose, or shall shoe, blood, dress, or farry any Horse or other Beast or Cattle, (except in Cases of Accident), or keep any Swine in any of the said Streets, Lanes, or other public Passages and Places within the said Borough and Parish; or if the Occupier of any House, Cellar, or other Tenement within the said Borough and Parish, shall suffer any Window, Hatchdoor, or Hatchway opening and leading over, upon, or from any of the said Streets, Lanes, or other public Passages or Places into or giving Light to any Kitchen, Cellar, Vault, or other Place whatsoever, to be left open after the Setting of the Sun in the Evening, and before the Rising of the Sun in the Morning, or shall obstruct or in anywise incommode the free Passage of any or either of the said several Streets, Lanes, or other public Passages and Places within the said Borough and Parish, or shall wilfully discharge any Musket or Pistol in any or either of them, or shall make or assist in the making of any Fire or Fires commonly called *Bonfires*, (except by the Permission of the Mayor of the said Borough and Parish for the Time being), or shall set fire to or let off, or throw any Squib, Serpent, Rocket, Cracker, or other Firework whatsoever therein; or if at any Time hereafter any Person or Persons shall suffer any Waggon, Cart, Dray, or other Carriage to stand or remain in any public Street, Way, Lane, or other Passage or Place within the said Borough and Parish, with or without any Horse or Horses, or other Cattle, for any Time longer than shall be necessary for the loading or unloading thereof, or suffer any Coach, Postchaise, or other Carriage whatsoever, to stand or remain in any such public Street, Way, Lane, or other Passage or Place, with or without any Horse or Horses, or other Cattle, for any longer Time than shall be necessary for taking up or setting down any Passengers or Travellers, or the Person or Persons belonging thereto, or for loading or unloading their Luggage, or suffer any Horse, Beast, or other Cattle or Swine to wander or be loose and unattended in or about any of the said Streets, Ways, public Passages or Places, or suffer any Timber, Iron, Lead, Bricks, Stone, Slates, Ashes, Rubbish, Lime, Mortar, Dung, Dust, Filth, Hay, Straw, Coal, Wood, Faggots, Furze, or Ricks of Furze, Fern, Hurdles, Boards, Stalls, Blocks, Goods, Wares, Merchandize, or other Thing or Things whatsoever, to be laid or placed, and left to remain in any of the said Streets, Ways, Lanes, or other public Passages or Places during the Night, or for any longer Time than shall be necessary for removing and housing the same, or shall shift, skreen, or slack any Lime, (except within the Hoard or Inclosure herein-after mentioned), or shew or expose any Stallion or Stallions, in any of the said Streets, Ways, Lanes, or other public Passages or Places,

Places, or shall permit or suffer any Bulldog, Mastiff, or other ferocious Dog or Bitch to go at large, not being muzzled, in any of the said Streets, Ways, Lanes, or other public Passages or Places, then and in every such Case aforesaid, every Person and Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Nuisances to be removed.

XXXIX. And be it further enacted, That in case any Hogstye, Slaughterhouse, Necessary-house, Dung, Carrion, Soil, Filth, Ashes, Cinders, Rubbish, or other noisome or offensive Building, Place, or Thing, shall be a Nuisance to any of the Inhabitants of the said Borough and Parish, it shall be lawful for the said Commissioners, if they shall think fit, upon Complaint thereof made to them by such Inhabitant by Notice in Writing under the Hand of their Clerk for the Time being, to order the Person occasioning such Nuisance, or to whom the same shall belong, to remove such Nuisance within such Time as they the said Commissioners shall think fit; and in case the same shall not be removed according to such Notice, the Person who ought to remove the same shall forfeit and pay any Sum not exceeding Ten Shillings for every Day that the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

Regulating Hoards, &c.

XL. Provided always, and be it further enacted, That no Person shall be subject to any Penalty by virtue of this Act, on account of any Lime, Mortar, Rubbish, Dirt, or Materials being in the same Streets, or other public Places, before the House or Tenement of such Person, occasioned by the building, pulling down, or repairing of such House or Tenement; so that there be convenient Room left for Carriages to pass and repass, 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, before which such Lime, Mortar, Rubbish, Dirt, or Materials shall be, shall cause the same to be removed out of such Street or Place at his own Costs and Charges, within a reasonable Time after such building, pulling down, or repairing shall be completed, or upon Notice to be given to him, her, or them, or left at such House or Tenement for that Purpose in Writing, signed by the said Commissioners or their Clerk; and so that whilst the same shall be laying in such Street or Place, such Owner or Occupier shall set up and maintain a sufficient Light upon or against the same during the Night-time, to prevent Mischief happening to Passengers or Cattle; and so that the same shall, whilst laying in such Street or Place, be inclosed within a Hoard, or Boards, in such Manner as the said Commissioners shall direct.

Buildings to be perpendicular.

XLI. And be it further enacted, That all Houses and Buildings hereafter to be built or new-fronted in the said Streets, Ways, Lanes, and other public Passages and Places, shall be made to rise in a perpendicular Line or Direction upwards from the Foundation thereof, (except Shop Windows, which shall be allowed to project to any Distance not exceeding Eighteen Inches, provided that Part of the Street in which such Shop shall be situated shall be Twenty-two Feet Wide at the least); and if any Person or Persons shall at any Time build, or new-front any House or other Building within the said Borough and Parish, or cause the same to be done otherwise, or in any other Manner or Form than in a perpendicular Line or Direction upwards from the Foundation of such House or Building, it shall

shall be lawful for any Seven of the said Commissioners for the Time being, by Writing under their Hands, to cause the same to be pulled down and removed by such Person or Persons as they shall direct and appoint, and the Costs and Charges thereof shall be paid and reimbursed to the said Commissioners, or their Order, by the Owner or Owners of such Houses or Buildings, and in Default of Payment thereof on Demand, the same may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered: Provided always, that in such Regulations of the Fronts of new Buildings to be made as aforesaid, it shall be lawful for the said Commissioners, when any such new Buildings shall be made as aforesaid, to admit at their Discretion the said new Buildings to be advanced in the Front thereof, so as to be on a Line with the other adjoining Buildings.

XLII. Provided always, and be it enacted and declared, That nothing in this Act contained shall extend or be construed to extend, to prevent any Owner or Occupier of any House, Shop, Warehouse, Building, Tenement, or Hereditament within the said Borough and Parish, at their own Expence, and in such Manner as the Commissioners for the Time being shall direct, from making any Vault or Drain, either in the Front or at the End of such House, Shop, Warehouse, Building, Tenement, or Hereditament, after the same shall be paved, but they shall have the like Power and Authority to make such Vault or Drain as before the passing of this Act, (except as before excepted), any Thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that if any Person or Persons shall dig out any Earth, or leave any Hole in any Street or Place, before any House or Tenement built or to be built, or during such Time as the same be building, within the said Borough and Parish, for the Purpose of making any such Vault or Drain, or any other Purpose whatsoever, and shall not inclose the same in a good and sufficient Manner, to be approved of by the Surveyor or Surveyors for the Time being to the said Commissioners, or shall keep up such Inclosure longer than is absolutely necessary for the Purposes aforesaid, any Person or Persons so offending shall forfeit and pay any Sum not exceeding Ten Shillings, and the like Sum for every Day that such Annoyance shall be continued.

But not to prevent the making of Cellars.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to direct and cause the Course of any Gutter, Watercourse, or Channel running in or through the said Streets, or any of them, to be turned or altered in such Manner as they shall think proper, and to direct the Grates already placed, or hereafter to be placed over any Sewers, to be removed and placed in such Manner, and at such Place and Places as they shall think most proper; all which shall from Time to Time be done at the Expence of the said Commissioners, and paid for out of the Money arising by virtue of this Act, any Law, Usage, or Custom to the contrary notwithstanding.

Sewers.

XLIV. And be it further enacted, That whenever any House or other Building standing in any Street, Way, Lane, or other public Passage or Place within the said Borough and Parish, projecting beyond the regular Line of such Street, Way, Lane, or other public Passage or Place, or of the Range of Buildings adjoining thereto, shall be taken down and rebuilt, it shall be lawful for the said Commissioners, if they think proper, to

Buildings may be set back.

require and compel the Owner or Owners thereof, when the same shall be so rebuilt, to cause such House or other Building to be set back, in and according to such regular Line as aforesaid, and to give such Directions, and make such Orders in Writing for that Purpose, as they the said Commissioners shall think proper, and to cause the same to be delivered or left at the House, or last or usual Place of Abode of such Owner or Owners, some or one of them; and if any House or other Building shall be built, erected, or rebuilt contrary to such Directions and Orders, the same shall be deemed an Encroachment, Nuisance, and Annoyance, within the Intent and Meaning of this Act, and be removed or removable as such: Provided always, nevertheless, that full Recompence and Satisfaction shall be made to the Owner or Owners of, and all Persons interested in the Premises, for any Loss or Damage he, she, or they may sustain by such House or other Building being so set back; and all the Powers, Provisions, and Clauses contained in this Act, with respect to the Houses or other Buildings hereby authorized to be taken down, shall extend and apply, and be applicable to any House or other Building so to be set back as aforesaid, and to making Compensation and Satisfaction to the Owner or Owners thereof and Persons interested, as fully and effectually to all Intents and Purposes as if the same were now repeated.

Lamps to be set up.

XLV. And whereas it will greatly tend to the Accommodation of the said Town, that the same should be lighted, as soon as the same can be done by the Means of the Rates granted by this Act, after carrying the other Purposes thereof into Execution; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, when and as soon as the other Purposes of this Act shall have been carried into Execution, from Time to Time thereafter, and at such Time or Times as they shall then judge proper, 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 or set up, on or against the Walls or Palisadoes of all or any of the Houses, Tenements, or Buildings, or against any other Walls within the said Borough and Parish, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or renewed, 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 Markets, Streets, Lanes, public Passages or Places, within the said Borough and Parish.

Penalty for wilfully breaking Lamps.

XLVI. 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 to be erected by the said Commissioners, or by any Person or Persons at his, her, or their Expence, for the Purpose of lighting any of the said Markets, Streets, Lanes, public Passages or 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 of the said Borough and Parish of *Barnstaple*, and he is hereby required, upon Complaint on Oath to him

him made by any One or more credible 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 Borough and Parish; 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 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 Borough, there to be kept to hard Labour for any Time not exceeding Six 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.

XLVII. 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 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 Borough and Parish, 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 having been 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 by 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 and recovered by virtue of this Act.

For negligently breaking Lamps.

XLVIII. Provided

Commissioners not to be personally liable.

XLVIII. Provided always, and be it further enacted and declared, That no Contract which shall be made by the said Commissioners for any Purposes of this Act, shall be binding upon the said Commissioners as Individuals, or in their private Capacity, nor shall any of the said Commissioners personally, or their respective Estates, be answerable for, or subject to the Payment of any of the Mortgages or Annuities to be granted in pursuance of this Act; and that all Money which shall be expended by or recovered against any of the said Commissioners, or any Person or Persons employed by them, by Means of any Action, Prosecution, or Appeal, to be brought by or against them or any of them, touching the Execution of this Act, shall be borne and defrayed out of the Money which shall come to the Hands of the Treasurer to the said Commissioners, or any other Person, by virtue of this Act: Provided nevertheless, that nothing herein contained shall extend to exonerate or discharge any of the said Commissioners, their Houses, Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, from the Payment of the Rates or Assessments to be raised by virtue of this Act.

Power to make Contracts.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Capital Burgeses, and their Successors, and to and for the said Commissioners respectively, and they are hereby authorized and empowered, from Time to Time, to contract and agree with any Person or Persons for furnishing Materials or any Matters or necessary Things whatsoever, or for performing of any of the Works hereby authorized, or for any other the Purposes of this Act; which Contract or Contracts so to be entered into, shall be reduced into Writing and signed by the Town Clerk of the said Borough and Parish for the Time being, and by the Clerk to the said Commissioners respectively, and by the Person or Persons so contracting as aforesaid, and shall specify the Works to be done and the Prices to be paid for the same, and the Time or Times when and within which such Works shall be performed or completed, and the Penalties to be suffered in case of Non-performance thereof; provided that Ten Days Notice at least shall be given in Writing, affixed and published as aforesaid, previous to the Meeting for entering into any such Contract or Contracts so to be made by the said Commissioners; in which Notice shall be specified the Business so to be contracted for at such Meeting, to the End that Persons may give in their Proposals for contracting to perform such Works; and it shall and may be lawful for the said Mayor, Aldermen, and Capital Burgeses for the Time being, and their Successors, and also for the said Commissioners respectively, and they are hereby directed to cause the Works which shall or may be done in pursuance of any Contract or Contracts to be inspected by their respective Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time respectively appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times to be by such Contract or Contracts limited for completing the same, the said Mayor, Aldermen, and Capital Burgeses for the Time being, and their Successors, and the said Commissioners respectively, shall and may bring or order or cause to be brought any Action at Law against any Person or Persons so contracting as aforesaid, and neglecting to perform such Contract or Contracts, and for any Penalty or Damage which shall be contained in such Contract or Contracts, or suffered or sustained on account of the Non-performance thereof; and upon proving the signing of

the said Contract or Contracts, and Non-performance thereof, the said Mayor, Aldermen, and Capital Burgeſſes for the Time being, and the ſaid Commissioners reſpectively, ſhall be entitled to and ſhall recover ſuch Penalty or Damages, together with full Coſts of Suit : Provided always, that it ſhall be lawful for the ſaid Mayor, Aldermen, and Capital Burgeſſes for the Time being, and their Succeſſors, and the ſaid Commissioners reſpectively, from Time to Time, and at all Times hereafter, to compound and agree with any Perſon or Perſons againſt whom any ſuch Action or Actions, Suit or Suits ſhall be brought as aforeſaid, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be made or entered into in purſuance of this Act, on account of any Breach or Non-performance of any ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper ; ſo as the Sums 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 the Coſts, Charges, and Expences which ſhall be occaſioned thereby.

L. And for raiſing Money towards anſwering and defraying One Moiety Rates may be of the Charges and Expences of obtaining and paſſing this Act, and carrying the Purpoſes of the ſame into Execution, (other than and except what relates ſolely to the Market and Markets herein-before mentioned) ; be it enacted, That the ſaid Commissioners ſhall and they are hereby authorized and required, once in every Year, to rate and aſſeſs any Sum not exceeding Sixpence in the Pound, according to the annual Value, upon or in reſpect of all Houſes, Wharfs, Buildings, Outhouſes, Yards, and Gardens within the ſaid Borough and Pariſh of *Barnſtable*, and the Limits thereof ; and alſo once in every Year to rate and aſſeſs any Sum not exceeding Four-pence in the Pound, according to the annual Value, upon or in reſpect of the Rectorial and alſo the Vicarial Tythes of the Pariſh of *Barnſtable* aforeſaid, ſeverally and reſpectively, and alſo upon or in reſpect of the Waterworks within the ſaid Borough and Pariſh, as well as the Tolls, Dues, Duties, Farms, and Profits belonging and payable to the ſaid Mayor, Aldermen, and Burgeſſes, together with all Arable, Meadow, and Paſture Lands ſituate within the Borough and Pariſh aforeſaid, for the Purpoſes of this Act, to be aſcertained and ſettled from Time to Time by the ſaid Commissioners ; and the Firſt Year for which ſuch Rates or Aſſeſſments ſhall be made, ſhall commence at and be computed from the Twenty-fourth Day of *June* next after the paſſing of this Act ; and the Monies to be rated or aſſeſſed from Time to Time, ſhall be paid by equal Quarterly Payments to the Collector or Collectors to be appointed as aforeſaid, and ſhall be by every ſuch Collector paid over to the Treafurer to the ſaid Commissioners, or to ſuch other Perſon or Perſons, at ſuch Times and in ſuch Manner as they the ſaid Commissioners ſhall from Time to Time direct.

LI. And be it further enacted, That the ſaid Rates or Aſſeſſments ſhall be borne and defrayed by the reſpective Tenants and Occupiers of the ſeveral Houſes and other Buildings, Wharfs, Yards, Gardens, Tenements, and Hereditaments to be raiſed or aſſeſſed by virtue of this Act : Provided always, that if any ſuch Tenant or Occupier as aforeſaid, by reaſon of his or her Poverty only, is or ſhall be excuſed from Payment of the Rates

[*Loc. & Per.*]

38 M

How raiſed
and paid.
made

made for the Relief of the Poor of the said Borough and Parish wherein he or she shall reside, or by reason aforesaid shall not be charged therewith, then and in every such Case such Tenant or Occupier shall be entirely freed and exempted from Payment of the Rates or Assessments to be raised or assessed by virtue of this Act, in respect of such House, Building, Wharf, Yard, Garden, Tenements, or Hereditaments so occupied by him or her as aforesaid : Provided always, that no Person rated or assessed, or paying under this Act to the said Rate hereby authorized to be raised and assessed, shall thereby gain or acquire any Settlement in the said Borough and Parish : And provided also, that no House or Building within the said Borough and Parish shall be charged or chargeable with any such Rate or Assessment as aforesaid during the Time the same shall be empty or unoccupied, if such Time shall exceed the Space of Three Calendar Months.

On Houses
let at shorter
Periods than
Quarterly.

LII. And whereas divers Houses, Tenements, and Hereditaments within the said Borough and Parish, are or may be let at small Rents, or to weekly or monthly Tenants, or entirely let out in Lodgings or separate Apartments to divers Tenants, or let ready furnished, and the Collection of the Rates charged by virtue of this Act upon such Houses, Tenements, and Hereditaments, may be attended with much Difficulty, so that considerable Loss may on that account be sustained by the said Borough and Parish ; for Remedy whereof, be it enacted, That where the yearly Rent or Value of any such House, Tenement, or Hereditament, shall not exceed Five Pounds, and the Rents thereof shall become payable at any shorter Periods than quarterly, or where the Houses, Tenements, or Hereditaments shall be let to weekly or monthly Tenants, it shall be lawful for the said Commissioners, (if they shall think proper), to compound with the Landlord or Landlords, Owner or Owners, of all and every or any such House and Houses, Tenement or Tenements, and Hereditaments within the said Borough and Parish, for Payment of any Rate or Rates, Assessment or Assessments to be made by virtue of this Act, at such reduced yearly Rental or Rate as the said Commissioners shall think reasonable ; so that such Houses, Tenements, or Hereditaments be not rated at less than Two Thirds nor more than Four Fifths of the Rack Rent at which the same shall then be let, or of the annual Value of the said Premises respectively ; and the Landlord or Landlords, Owner or Owners of such Houses, Tenements, or Hereditaments as shall not exceed the yearly Rent of Five Pounds, and from whence the Rents shall become due at any shorter Periods than Quarterly, or as shall be let to weekly or monthly Tenants, is and are hereby enabled to enter into such Composition with the said Commissioners ; and in case such Landlord or Landlords, Owner or Owners shall refuse or object to enter into such Composition, such Landlord or Landlords, Owner or Owners shall from thenceforth be deemed and taken to be the Occupier or Occupiers of such Premises, and shall thereupon be rated to, and from Time to Time shall pay or cause to be paid the several Rates or Assessments charged upon their respective Premises by virtue of this Act, unto the Collectors for the Time being, who are hereby authorized and empowered to collect and receive the same, and upon Non-payment thereof to levy the same by Distress and Sale of the Goods and Chattels of the Landlord or Landlords, Owner or Owners of the respective Premises aforesaid, wheresoever they shall be found, in like Manner as any Rate or Assessment may be raised, levied, or collected by

virtue of this Act: Provided always, that no such Landlord or Owner shall be charged with or liable to pay for any increased Rent reserved or made payable to him for or on account of such Landlord or Owner having agreed to pay the several Rates and Assessments heretofore chargeable upon the Occupier; and where any House, Tenement, or Hereditament shall be let out in Lodgings or separate Apartments, or ready furnished, the Landlord or Landlords, Owner or Owners of all such Premises shall be deemed and taken to be the Occupier or Occupiers thereof, and shall be rated to and pay the Rates or Assessments made by virtue of this Act in respect of such Houses, Tenements, and Hereditaments.

LIII. And be it further enacted, That in case any Person or Persons shall remove out of, or from, or quit Possession of any House, Building, Land, Tenement, or Hereditament, before the Rate or Rates, Assessment or Assessments charged thereon respectively by virtue of this Act shall be paid and discharged, or if any Person or Persons shall enter into the Occupation of any House, Building, Land, Tenement, or Hereditament rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any Person or Persons shall have so removed, before such Rate or Rates, Assessment or Assessments shall have been paid and discharged as aforesaid, that then and in every such Case the Person or Persons so removing out of or from, or quitting the Possession of, and the Person or Persons entering into the Occupation of any such House, Building, Land, Tenement, or Hereditament, shall be respectively subject and liable to the Payment of all such Rates or Assessments, in Proportion to the Time that such Person or Persons respectively possessed or occupied the same respectively, in the same Manner as if the Person or Persons so removing or quitting as aforesaid had remained in the Possession and Occupation of such House, Building, Land, Tenement, or Hereditament, or the Person or Persons so entering into the Occupation thereof had been originally rated and assessed in such Rates or Assessments; which Proportion shall, in case of Dispute, be settled by Two or more Justices of the Peace for the County of *Devon*, who are hereby authorized and empowered to hear and determine the same, and whose Determination shall be final and conclusive to all Intents and Purposes whatsoever.

On Persons removing.

LIV. And be it further enacted, That if the Tenant or Occupier of any House, Wharf, Building, Outhouse, Yard, Garden, Land, Tythes, Waterworks, or Profits of Waterworks, Tenement, or other Hereditament, upon or in respect of which any Rate or Assessment shall be laid or made by virtue of this Act, or other Person hereby made liable to the Payment of any such Rate or Assessment, shall neglect or refuse to pay the Rates or Sums of Money which shall be so rated or assessed as aforesaid, to any Collector or Collectors to be appointed as aforesaid, for the Space of One Calendar Month after the same shall be due, and Demand thereof made by Notice in Writing under the Hand of such Collector or Collectors of the said Rates, to be delivered to and left at the Dwelling House or the last or usual Place of Abode of such Tenant or Occupier, or other Person so refusing or neglecting to pay as aforesaid, or on the Premises so charged with such Rate or Assessment; then and in every such Case, upon Proof upon Oath before any Justice of the Peace of the said County of *Devon*; the same shall and may, by virtue of a Warrant under the Hand and Seal of such Justice, be levied and recovered, together with all Arrears thereof,

How to be recovered.

by

by Distress and Sale of the Goods and Chattels, wheresoever the same shall be found, of every such Tenant or Occupier so neglecting or refusing to pay as aforesaid, or other Persons therein inhabiting or occupying the same.

Appeal from Rates.

LV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons, (having first paid the said Rate or Assessment), may apply to the said Commissioners at their First Meeting which shall be holden after the demanding of such Rate or Assessment, and the said Commissioners 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 other Matter or Thing to be done in pursuance of this Act, every such Person or Persons, (save and except in such Cases where any Order, Judgment or Determination is herein directed to be final and conclusive, and save and except in such Cases for which any particular Method of Relief is herein appointed), may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County of *Devon*, within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Ten Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Person or Persons appealed against, and to the Clerk to the said Commissioners, and within Three Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, 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 Sessions; and the Justices at such Sessions, upon due Proof of such Notice having been given as aforesaid, 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, recoverable as in Cases of Distress as aforesaid, to the Party appealing or appealed against, as they the said Justices shall think proper; and their Determination thereon shall be final, binding, and conclusive to all Intents and Purposes.

Justices not to quash whole Rate.

LVI. Provided always, and be it further enacted, That upon any Appeal from any Rate or Rates, Assessment or Assessments to be made or imposed by the Authority of this Act, the Justices of the Peace at such General or Quarter Sessions, (where they shall see just Cause of Relief), shall and are hereby empowered to amend the same, in such Manner only as shall be necessary for giving Relief to the Person or Persons so appealing, without quashing or altering such Rate or Rates, Assessment or Assessments, with respect to any other Person or Persons mentioned in the same.

Rates may be increased or amended.

LVII. 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 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

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 Alterations or Amendments 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.

LVIII. And for the Purpose of raising Money to answer and defray the Charges and Expences of altering, removing, building, and otherwise improving the said Market or Markets, Market House or Houses, Place or Places, or either of them, as herein before mentioned; and also for paying and discharging One Moiety of the Costs and Charges incident to and attending the obtaining and passing this Act; be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen, and Capital Burgesses, or the major Part of them for the Time being, and their Successors, from Time to Time to borrow and take up at Interest upon the Credit as well of the Rents, Dues, Tolls, Issues, Farms, and Profits heretofore and at present due and payable to the said Mayor, Aldermen, and Capital Burgesses, as of the Rents, Issues, and Profits which shall hereafter arise from the proposed Alteration and Improvements of the said Market or Markets, Market-house or Houses, Place or Places, or any or either of them, under and by virtue of this Act, such Sum or Sums of Money as they shall judge necessary for the Purposes aforesaid, not exceeding in the Whole the Sum of Six thousand Pounds, and by Writing under their Common Seal of Incorporation, to mortgage, demise, grant, or assign all or any of the said first or last-mentioned Rents, Dues, Tolls, Issues, Farms, and Profits, how and whensoever arising, or any Part or Parts thereof, (the Charges of such Mortgages, Demises, Grants, or Assignments, to be defrayed out of the Monies to be so borrowed), to any Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, for any Term or Number of Years, as a Security for the Monies which shall be so borrowed, and the legal Interest thereof; and all Persons to whom such Mortgages, Demises, Grants, or Assignments shall be made, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the Rents, Dues, Tolls, Issues, Farms, and Profits so to be mortgaged as aforesaid, in equal Degree one with another, and shall not have any Preference with respect to the Priority of advancing any such Monies; or the Dates of their respective Mortgages; and every such Mortgage or Assignment to be made by virtue of this Act, shall be in the Form or to the Effect following; (*videlicet*),

BY virtue of an Act of Parliament, passed in the Fifty-first Year of the Reign of King George the Third, intituled, [*insert the Title of the Act*], We, the Mayor, Aldermen, and Capital Burgesses of the said Borough and Parish, [*or, the major Part of them, as the Case may be*], in Consideration of the Sum of

[*Loc. & Per.*]

38 N

advanced

For borrow-
ing Money
on Credit of
Market
Rents

advanced and lent by *A. B.* upon the Credit and for the special Purposes
 of the said Act, do grant, bargain, sell, and demise unto the said *A. B.*
 his Executors, Administrators, and Assigns, such Proportion of the
 Rents, Dues, Tolls, Issues, Farms, and Profits arising by virtue of the
 same Act, as the said Sum of _____ doth bear
 to the whole Sum which may at any Time be charged upon the Credit of
 the said Rents, Dues, Tolls, Issues, Farms, and Profits, to be had and
 holden from this _____ Day of _____
 until the said Sum of _____ with Interest
 for the same after the Rate of _____ per Centum per Annum, shall
 be paid and satisfied. In witness whereof we have hereunto set our Com-
 mon Seal of Incorporation this _____ Day of _____
 One thousand eight hundred and _____

And a Copy or Entry, or Memorandum of every such Security or Assign-
 ment, containing the Dates, Names of the Parties, and Sums borrowed,
 shall be made in a Book or Books to be provided and kept for that Pur-
 pose by the Town Clerk of the said Borough and Parish, and which shall
 and may be inspected at all seasonable Times by all Persons interested
 therein, without Fee or Reward; and it shall and may be lawful to and
 for the Person or Persons to whom any such Assignment shall be made as
 aforesaid, or who shall be entitled to the Money thereby secured, their
 respective Executors, Administrators, and Assigns, as the Case may be,
 from Time to Time to transfer his, her, or their Right, Title, and In-
 terest to the Principal and Interest Money thereby secured, to any Person
 or Persons, either by a separate Instrument in Writing under their Hands
 and Seals, or by Indorsement on such original Security, in the Words or
 to the Effect following:

I, *A. B.* do hereby transfer the within Mortgage, [if by Indorsement], or
 [if by a separate Instrument], a certain Mortgage, bearing Date the
 _____ Day of _____ of the Rents, Dues, Tolls,
 Issues, Farms, and Profits arising by virtue of an Act of Parliament
 made in the Fifty-first Year of the Reign of King *George* the Third, in-
 titled, [insert the Title of the Act], and all my Right and Title to
 the Principal Money and Interest thereby secured, unto *C. D.* his Exe-
 cutors, Administrators, and Assigns. Dated this _____ Day of _____
 One thousand eight hundred and _____

Which said Transfer shall be produced to the said Town Clerk, who shall
 register and enter the same in the Book or Books to be kept for entering
 the original Assignment; and for the Entry of every such Transfer the
 said Town Clerk shall be paid Five Shillings and no more, by the Person
 to whom such Transfer shall be made; and after such Entry thereof made
 as aforesaid, every such Transfer shall entitle the Person to whom such
 Transfer shall be made, and his or her Executors, Administrators, or
 Assigns, to the Benefit of the Security thereby transferred; and it shall not
 be in the Power of such Person or Persons who shall have made such
 Transfer, to make void, release, or discharge the same, or any Monies due
 thereon.

Or by An-
nuities.

LIX. And be it further enacted, That in case the said Mayor, Alder-
 men, and Capital Burgeses for the Time being, or their Successors, shall
 think it advisable or more advantageous to raise all or any Part of the
 Money necessary for the special Purposes of this Act, by the granting of
 Annuities

Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Mayor, Aldermen, and Capital Burgeses for the Time being, or their Successors, or Thirteen of them, and they are hereby authorized and empowered, by Writing under their Common Seal of Incorporation, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of their Town Clerk for the Time being, any Sum or Sums of Money for the absolute purchase of any Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life or Lives of such Person or Persons as shall be nominated by or on the Behalf of such Contributor, at the Time of the Payment of his or her Contribution or Purchase Money, and so that the whole Money to be raised by the said Mayor, Aldermen, and Capital Burgeses for the Time being, or their Successors, upon Mortgage, and by the granting of Annuities as aforesaid, do not exceed the said Sum of Six thousand Pounds; and the Expence of every such Grant shall be defrayed out of the said Monies so raised, borrowed, and advanced as aforesaid; and the Grant of every such Annuity shall be in the Words or to the Effect following:

BY virtue of an Act of Parliament passed in the Fifty-first Year of the Reign of King George the Third, intituled, [*insert the Title of the Act,*] We, the Mayor, Aldermen, and Capital Burgeses, [*or, the major Part of them, as the Case may be*], of the said Borough and Parish, in Consideration of the Sum of _____ paid by _____ to the Town Clerk of the said Borough and Parish, do hereby grant unto the said _____ and his Assigns, an Annuity or yearly Sum of _____ as well out of the Rents, Dues, Tolls, Issues, Farms, and Profits arising by virtue of the same Act, as those which have heretofore been and still are of Right payable and paid to the said Mayor, Aldermen, and Capital Burgeses for the Time being; which Annuity or yearly Sum shall be paid to the said _____ or his Assigns, [*or, to the said* _____ his Executors, Administrators, or Assigns, *as the Case may be,*] at _____ upon the _____ Day of _____ in every Year during the natural Life, [*or, Lives, as the Case may be*], of _____ the First Payment thereof to be made upon the _____ Day of _____ next ensuing the Date hereof: In witness whereof, we have hereunto set our Common Seal of Incorporation the _____ Day of _____ in the Year _____

And every such Grant shall be good, valid, and effectual in the Law, without any Inrolment or Registry of the Memorial thereof; and every Annuity, so to be granted as aforesaid, shall be and is hereby charged upon, and shall be payable and paid out of the said first and last-mentioned Rents, Dues, Tolls, Issues, Farms, and Profits; and the Purchaser of every such Annuity, his or her Executors, Administrators, and Assigns, shall have, receive, and be entitled to such Annuity out of the said first and last-mentioned Rents, Dues, Tolls, Issues, Farms, and Profits, during the Term of the natural Life or Lives of the Person or Persons for whose Life or Lives such Annuity shall be purchased; and every such Annuity or Interest Money, due by Mortgage as aforesaid, shall be payable and paid by the _____ the

the said Town Clerk of the said Borough and Parish at the Expiration of every Year, as the same shall become due.

On Credit of Rates :

LX. And, for the more effectually enabling the said Commissioners to execute such of the Purposes of this Act as do not relate to the Market or Markets, and to defray One Moiety of the Costs and Charges incident to and attending the obtaining and passing this Act; be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, and they are hereby empowered 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 hundred Pounds, for such of the Purposes of this Act as do not relate to the Markets, upon the Credit of the Rates and Assessments by this Act granted and made payable, or authorized to be collected or received, and by any Writing or Writings under their Hands and Seals, to mortgage, demise, grant, or assign all or any Part of the said Rates or Assessments, the Costs and Charges of such Mortgages, Demises, Grants, or Assignments, to be defrayed out of the Monies so to be borrowed, to such Person or Persons as shall advance or lend any Money thereon, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be advanced, together with legal Interest for the same; and every such Mortgage or Assignment may be in the Words or to the Effect following; (*videlicet*),

BY virtue of an Act of Parliament passed in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled, [*set forth the Title of this Act*], We, being of the Commissioners appointed by and in pursuance of the said Act, in Consideration of the Sum of _____ advanced and lent by *A. B.* upon the Credit and for the general Purposes of this Act, do hereby grant, bargain, sell, and demise 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 charged upon the Credit of the said Act, to be had and holden from this Day of _____ in the Year _____ until the said Sum of _____ with Interest at _____ *per Centum per Annum* for the same, shall be paid and satisfied: In Witness whereof, we the said Commissioners have hereunto set our Hands and Seals the Day of _____ in the Year _____

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments.

LXI. And be it further enacted, That in case the said Commissioners shall think it advisable or more advantageous to raise all or any Part of the Money

Money necessary for the general Purposes of this Act, by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners, any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life or Lives of such Person or Persons as shall be nominated by or on the Behalf of such Contributor, at the Time of the Payment of his or her Contribution or Purchase Money, and so that the whole Money to be raised upon Mortgage, and by the granting of Annuities as aforesaid, do not exceed the said Sum of Six hundred Pounds, and the Expence of every such Grant shall be defrayed out of the said Monies so raised, borrowed, and advanced; and the Grant of every such Annuity shall be in the Words or to the Effect following:

WE, being _____ of the Commissioners appointed by _____ and in pursuance of an Act of Parliament, made in the Fifty-first Year of the Reign of King George the Third, intituled, [*set forth the Title of this Act*], in Consideration of the Sum of _____ paid by _____ to the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said _____ an Annuity or yearly Sum of _____ out of the Rates or Assessments granted or arising by virtue of the said Act; which Annuity or yearly Sum shall be paid to the said _____ or his Assigns, [*or, to the said A. B. his Executors, Administrators, or Assigns, as the Case may be*], at _____ upon the _____ Day of _____ in every Year, during the natural Life, [*or, Lives, as the Case may be*], of _____ the First Payment thereof to be made upon the _____ Day of _____ next ensuing the Date hereof: In Witness whereof, we the said Commissioners have hereunto set our Hands and Seals, the _____ Day of _____ in the Year of our Lord _____

And every such Grant shall be good, valid, and effectual in the Law, without any Inrolment or Registry of the Memorial thereof; and every Annuity so to be granted as aforesaid, shall be and is hereby charged upon and shall be payable and paid out of the said Rates or Assessments; and the Purchaser of every such Annuity, his or her Executors, Administrators, and Assigns, shall have, receive, and be entitled to such Annuity out of the said Rates or Assessments, during the natural Term of the Life or Lives of the Person or Persons for whose Life or Lives such Annuity shall be purchased; and every such Annuity or Interest Money due by Mortgage as aforesaid, shall be payable and paid by the Treasurer to the said Commissioners at the Expiration of every Year as the same shall become due: Provided nevertheless, that before any Money shall be borrowed or Annuity be granted as aforesaid, Twenty Days Notice at the least shall be given in some public Newspaper usually published within the said County of Devon, or circulated within the said Borough and Parish, signifying the Intention of borrowing such Money or granting such Annuities.

LXII. Provided always, and be it enacted, That in case any Sum or Sums of Money shall be borrowed and taken up at Interest on the Credit of _____ Money may be vested in Funds.

[*Loc. & Per.*]

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of

of the Rates or Assessments hereby authorized to be made, that then and in every such Case it shall and may be lawful to and for the said Commissioners to cause One Tenth-part of the Money which may be borrowed by them for the general Purposes of this Act, together with such Saving from the said Rates or Assessments as shall at the End of every Year appear to have arisen and remain unapplied after all such Purposes of this Act shall have been answered and satisfied, from Time to Time, when the same shall amount to Fifty Pounds or upwards, to be vested in the Purchase of Stocks or Annuities in the Public Funds, in the Name of the said Treasurer for the Time being, and to cause the Interest, Dividends, Proceeds, and Produce thereof, when and as often as the same shall arise or become due and be received, from Time to Time to be also laid out and invested in like Manner as soon as may be in the Purchase of the like Stocks or Annuities, so that a Fund may be thereby provided for the Satisfaction and Discharge of the Principal Money so to be borrowed by the said Commissioners under and by virtue of the Powers of this Act; and when such accumulated Fund shall amount to a sufficient Sum for that Purpose, to cause the Stocks or Annuities wherein the same shall or may be then invested, to be sold and disposed of, and by and out of the Money arising from the Sale thereof, wholly to pay off and discharge all and every the Sum and Sums of Money which may have been so borrowed by them under or by virtue of the Powers of this Act: Provided always, that in case the said Commissioners assembled at any Meeting to be holden for the Purposes aforesaid, shall determine or see Occasion for the raising of any further Sum or Sums of Money for the several Purposes of this Act, and such accumulating Sum as aforesaid shall then amount to and be capable of raising, on such Sale thereof, Three hundred Pounds or upwards, that then the said Commissioners shall from Time to Time, and as often as they shall see Occasion, be at Liberty to direct the Stocks or Annuities whereon the same may be invested, to be sold and disposed of, and to apply the Money arising from the Sale thereof, for all or any such last-mentioned Purposes.

Fines for
Indictment
how paid.

LXIII. And be it further enacted, That when the Inhabitants of the said Borough and Parish shall be indicted or presented for not repairing any Street, Lane, or other public Passage or Place within the said Borough and Parish to be made or repaired by virtue of this Act, and the Court before which such Indictment or Presentment shall be preferred, shall impose a Fine, Issue, Penalty, or Forfeiture on the Inhabitants for not repairing such Street, Lane, or other public Passage or Place, or not appearing to any such Indictment or Presentment, it shall be lawful for such Court to order the Treasurer of the said Commissioners to pay the said Fine, Issue, Penalty, or Forfeiture, together with the Costs and Charges attending the same, out of the Money then in his Hands, or next to be received by him, under and by virtue of this Act; which Order shall be binding upon such Treasurer, and he is hereby authorized and required to obey the same.

Appointing
Watchmen.

LXIV. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered, from Time to Time, and at any Time or Times after the Second Month after the passing of this Act, if they shall think proper, to appoint such Number of fit and able-bodied Men as they shall judge proper, to patrole, watch, and guard the
Streets,

Streets, Lanes, and other Passages and Places within the said Borough and Parish, and to make such Allowance to such Watchmen for their Trouble and Attendance, and to give such Orders and Directions concerning the Manner in which the said Watchmen shall be armed and stationed, for the due and regular Performance of the said Service, as they the said Commissioners shall judge proper and expedient, and from Time to Time to remove any of the said Watchmen and appoint others in their Stead; and it shall be lawful for the said Watchmen, so to be appointed as aforesaid, or any of them, and they are hereby respectively authorized, directed, and required, to apprehend and secure in any Watch-houses, or other Places of Safety, to be for that Purpose appointed within the said Borough and Parish, all suspicious Persons, Prostitutes, Rogues, Vagabonds, Disturbers of the Peace, Nightwalkers, and Persons misbehaving themselves during the Time of keeping ward and watch, and to carry all such Persons, as soon as conveniently may be, before some Justice of the Peace for the said Borough and Parish, to be examined and dealt with according to Law.

LXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time, to provide, place, and fit Boxes against the Sides of Houses, Buildings, and proper Places in the Streets, Lanes, and other public Passages and Places within the said Borough and Parish, proper for the Use and Accommodation of Watchmen; in case they shall think proper to appoint Watchmen for the Safety and Protection of the Inhabitants thereof; and in case any Person or Persons shall interrupt, damage, or injure such Boxes when so fixed, such Person or Persons shall forfeit and pay for every such Offence any Sum of Money not exceeding Forty Shillings. Watch
Boxes.

LXVI. And whereas it may be necessary, for the Purposes of this Act, to erect Watch-houses within the said Borough and Parish, be it therefore enacted, That the said Commissioners may and they are hereby empowered, if they shall think it necessary, to purchase, rent, or hire, for any Term of Years, any convenient Place or Places, Piece or Pieces of Ground within the said Borough and Parish, for such Price, Rent, or Term as can be agreed upon, for the Purpose of erecting Watch-houses thereon; and shall and may there erect and build one or more sufficient Watch-houses, with convenient Places of Confinement; and that from and after the Erection of such Watch-house or Houses, it shall and may be lawful to confine therein such Persons and Offenders as may lawfully be apprehended and confined by virtue of the Powers and Authorities given by this Act. Watch
Houses.

LXVII. And be it further enacted, That if any Victualler or Keeper of a Public House shall knowingly and willingly harbour or entertain any Watchmen belonging to the said Borough and Parish, or permit or suffer any such Watchman to remain in such his or her Public House during any Part of the Time appointed for his or their being on Duty as aforesaid, every such Victualler or Keeper of a Public House shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds. Penalty on
Publicans
entertaining
Watchmen.

LXVIII. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Lanes, public Passages and Places within the said Borough and Parish (other than and except the Market-house or Houses, Place or Places Dirt, &c.
how to be
removed.
which

which shall be erected or provided under and by virtue of this Act, and which shall be under the sole Management and Direction of the said Mayor, Aldermen, and capital Burgeſſes for the Time being, or their Succeſſors), or the Perſon or Perſons employed by or acting under the Directions of ſuch Perſon or Perſons ſo contracting with the ſaid Commiſſioners, ſhall Twice in every Week, (that is to ſay), on every *Wednesday* and *Saturday*, between ſuch Hours of thoſe reſpective Days, and alſo on ſuch other Days, and at or between ſuch Hours as the Commiſſioners aforeſaid ſhall from Time to Time appoint, ſweep and collect together all Dirt, Duſt, Filth, or Rubbiſh in ſuch Streets, Lanes, public Paſſages and Places (except as aforeſaid), and ſhall alſo bring or cauſe to be brought a Cart or other proper Carriage into ſuch Streets, Lanes, public Paſſages and Places, except as aforeſaid, where ſuch Cart or other Carriage can paſs, and ſhall at his or their Approach with ſuch Cart or other Carriage, and not before, by Sound of Bell, Voice, or otherwiſe, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Paſſage, or Place into which ſuch Cart or Carriage, cannot paſs; and ſuch Perſon or Perſons ſo employed by or under, or contracting with the ſaid Commiſſioners, ſhall immediately take the Duſt, Dirt, Rubbiſh, Cinders, Aſhes, and other Filth, (except Filth from any Privy or Neceſſary Houſe), from the reſpective Premises of ſuch Inhabitants as ſhall be deſirous thereof, in ſuch ſeveral Streets, Lanes, public Paſſages and Places, (except as aforeſaid), and put the ſame into ſuch Cart or Carriage; all which ſuch Duſt, Dirt, Rubbiſh, Cinders, Aſhes, and Filth, (except as aforeſaid), as well as all ſuch Duſt, Dirt, Dung, Aſhes, and other Filth, as ſhall be ſwept up and collected together as aforeſaid, ſuch Perſon or Perſons ſhall then immediately, or as ſoon as may be, carry away or cauſe to be carried away to the Place or Places appointed for depoſiting the ſame, upon Pain of forfeiting any Sum not exceeding Forty Shillings for every Offence or Neglect therein; and the Perſon or Perſons ſo employed by or under, or contracting with the ſaid Commiſſioners, ſhall cauſe the Words "Scavenger's Cart" to be painted in large Roman Letters on the Front, or on ſome other conſpicuous Part of every Cart or Carriage uſed for the Purpoſes aforeſaid, on Pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein; and if any ſuch Perſon ſo employed as aforeſaid, or any other Perſon or Perſons whomſoever, ſhall wilfully or deſignedly ſweep or throw any Duſt, Dirt, Aſhes, or Filth, into any Creek, Fleet, Drain, Sewer, Sink, or Watercourſe within the ſaid Borough and Pariſh, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Where
lodged.

LXIX. Provided always, and be it further enacted, That the Perſon or Perſons contracting with or employed by or under the ſaid Commiſſioners to cleanſe the ſaid Streets, Ways, Lanes, and other public Paſſages and Places, or any or either of them, or any Part thereof, ſhall have Liberty, by the Approbation and Order of the ſaid Commiſſioners, to lodge any Dirt, Duſt, Aſhes, or other Filth in ſuch vacant or public Place or Places within the ſaid Borough and Pariſh, as ſhall be thought proper and convenient by the ſaid Commiſſioners, the Perſon ſo contracting making ſuch Satisfaction to the Owners and Occupiers of ſuch vacant Places as the ſaid Commiſſioners ſhall direct.

LXX. And

LXX. And be it further enacted, That no Necessary House or Privy, Dung Pit, or Hogstye, now being or which shall hereafter be within the said Borough and Parish, shall be emptied or cleansed at any other Time than between the Hours of Twelve of the Clock at Night and Ten of the Clock the following Morning, from the Twenty-ninth Day of *September* to the Twenty-fifth Day of *March* inclusive; and Twelve of the Clock at Night and Eight of the Clock the following Morning, from the Twenty-fifth Day of *March* to the Twenty-ninth Day of *September* inclusive in each Year; and if any Person or Persons shall empty or cleanse any such Necessary House or Privy, Dung Pit, or Hogstye, at any other Time than as aforesaid, or wilfully or negligently suffer the Contents thereof to remain in any or either of the Streets, Ways, Lanes, or other public Passages or Places within the said Borough and Parish, after the Times above appointed for emptying and cleansing the same, or shall remove the same in any improper Cart or Carriage, then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, together with the Costs attendant thereon; and if any Person or Persons shall wilfully or negligently spill any of the Soil or Contents of such Necessary House or Privy, Dung Pit, or Hogstye, in any of the Streets, Lanes, Ways, Passages, or Places already made or built, or which shall hereafter be made or built within the said Borough and Parish, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, with the Costs attendant thereon; and it shall be lawful for any Three or more of the said Commissioners to direct or order any Sum of Money, not exceeding Twenty Shillings for each Offender, to the Person or Persons who shall detect and convict or cause to be detected and convicted any One or more Offender or Offenders who shall be guilty of the said last-mentioned Offence, to be paid upon Conviction of such Offender or Offenders, by the Treasurer out of the Monies to be collected or raised in pursuance of this Act: Provided always, that nothing herein contained shall extend or be construed to extend to the emptying or cleansing any Stable or Dung Pit containing Dung made from Horses only, commonly called *Stable Dung*, but the same shall and may be emptied and cleansed at any Time or Times in the Day-time or Night-time throughout the Year; any Thing in this Act contained to the contrary notwithstanding,

Regulating
Hours of
cleansing
Necessaries,
&c.

LXXI. And be it further enacted, That if any Person or Persons shall wilfully, designedly, or negligently break, destroy, or otherwise damage, injure, or spoil any of the Bridges, Works, Walls, Rails, Pales, Seats, Steps, Trees, or Shrubs in any of the present or future public Walks, Streets, Lanes, Buildings, or other public Passages or Places, or any Part or Parts thereof, within the said Borough and Parish, or shall break, destroy, or in anywise injure any of such public Walks, or any of the Materials of or for the making or repairing of any such public Walks and other Places, then and in every such Case every Person so offending shall not only pay the Amount of such Damage, but also forfeit any Sum not exceeding Ten Pounds for each and every such Offence, and such Amount of Damage; and the said Penalty shall be recoverable in such Manner as any Penalties may be recovered under this Act.

Penalty for
damaging
Works, &c.

LXXII. And be it further enacted, That all the Monies to arise by or from the said Rates or Assessments hereby granted and authorized, or di-

Application
of Rates, &c.

[Loc: & Per.]

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rected

rected to be made, collected, or levied, and which may be borrowed on the Credit thereof, or advanced for Annuities thereupon as aforesaid, and also all other Money which shall come to the Hands, Custody, or Power of the said Commissioners, or their Treasurer, by virtue or for the Purposes of this Act, shall be applied and disposed of, in the first Place, in the Payment and Discharge of One Moiety of all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, as herein-after directed, and afterwards, from Time to Time, in paying and discharging the Interest and Principal of the Monies to be borrowed and the Annuities to be granted as aforesaid on the Security of such Rates or Assessments by the said Commissioners by virtue of this Act, and towards defraying the Charges and Expences of carrying so much of this Act into Execution as does not relate to the Markets, 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 such of the last-mentioned Purposes of this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, Indictments, or Suits, for or concerning any of the Monies granted by or arising to the said Commissioners by virtue of this Act, or in any Matter relating to the Execution of such last-mentioned Purposes of this Act, or of any Thing to be done by virtue thereof, and for such last-mentioned Purposes as are herein expressed, and for no other Use, Intent, or Purpose whatsoever: Provided always, that no such Monies shall be applied towards the said Markets, or to any Matter or Thing to be done by the Mayor, Aldermen, and capital Burgeses only, but towards such Expences only as shall arise out of any Matter or Thing to be done by the Commissioners under this Act.

Expences of
Act.

LXXIII. And be it further enacted, That all Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, shall be defrayed and discharged in Manner following; that is to say, One Moiety thereof by the said Mayor, Aldermen, and capital Burgeses, for the Time being, from and out of the first Monies which shall arise to or be received by them under and by virtue of this Act, and the other Moiety thereof by the said Commissioners; from and out of the first Monies which shall arise to or be received by them under and by virtue of this Act; and the said Mayor, Aldermen, and capital Burgeses for the Time being, and the said Commissioners, are hereby authorized, required, and directed respectively to pay and defray and discharge the same in Manner herein directed.

Paying off
Mortgages.

LXXIV. And, in order that no undue Preference may be given in the paying off any of the said Mortgages, Assignments, or Securities to be granted by virtue of this Act; be it therefore enacted, That when the said Mayor, Aldermen, and capital Burgeses for the Time being, or their Successors, or the said Commissioners respectively, or their Successors, shall think proper to pay off any of the said Mortgages, Assignments, or Securities, they shall respectively cause the Date and Amount of all such Mortgages, Assignments, and Securities, which shall be then in force to be put into a Box or Glass, and so many of the same shall be drawn separately out of the said Box or Glass by the Town Clerk of the said Borough and Parish for the Time being, or by the Clerk of the said Commissioners respectively, as the Case may be, in the Presence of the said Mayor, Aldermen, and capital Burgeses for the Time being, or their Successors,

Successors, or of the Mayor for the Time being, and any Thirteen of such capital Burgesses, or in the Presence of Seven or more of the said Commissioners respectively, as shall make up the Sum then intended to be paid off; and that Six Calendar Months Notice in Writing signed by the said Town Clerk or the said Clerk to the said Commissioners respectively, shall be given to the Person or Persons who shall be entitled to receive the Money secured by the Mortgage or Mortgages, Assignment or Assignments, Security or Securities so drawn out or left at his, her, or their last or most usual Place of Abode, that his, her, or their Mortgage or Mortgages, Assignment or Assignments, Security or Securities, will be paid off, and that at the Expiration of the said Six Calendar Months, to be computed from the Day of such Notice being given or left as aforesaid, all Interest on the Mortgage or Mortgages Assignment or Assignments, Security or Securities so drawn out, shall cease and determine.

LXXV. And be it further enacted, That the said Commissioners shall, upon the First Day of *January* in every Year, or within Three Months then next following, assemble and meet together according to the Provisions, and for the general Purposes of this Act, and shall cause a fair and true Account to be made and drawn out in Writing of all the Monies received and paid in pursuance of this Act, and to whom and for what Purposes, and at what Times the same shall have been paid, laid out, and expended; and such Account, or a Duplicate thereof, signed by the said Commissioners, or any Five of them, shall be deposited with and kept by their Clerk, who is hereby required to permit any Person charged with the Payment of any of the said Rates or Assessments, to inspect the same at any seasonable Time without any Fee or Reward; and an Abstract of such Account shall be printed annually. Accounts.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, in any way to change, lessen, diminish, alter, abridge, impeach, annul, prejudice, destroy, or affect any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Dues, Duties, or lawful Customs belonging, due, or in anywise appertaining to the Lords of the respective Manors within the said Borough and Parish, the Burgesses and Corporation thereof, or any of the Officers of the same, or appertaining to the Leet, or any other Court held for the said Borough and Parish, or of the Steward, Jurors, or Officers of the said Court or Courts, or either of them. Saving Manorial Rights.

LXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to any of the Highways within the said Borough and Parish beyond a certain House now in the Occupation of *William Davey*, situate in a certain Street called *Bear Street*, leading towards *Goodleigh*, nor beyond a certain House now in the Occupation of *George Bowen Esquire*, situate in a certain Street or Lane called *Vicarage Lane*, and leading towards *Stoney Bridge*, nor beyond the South End of the present Buildings in a certain Street called *Litchdon*, and leading towards *South Molton*, nor beyond the Commencement of a certain Green called *Litchdon Green*, situate at the End of a certain Street or Lane called *Back Lane*, nor to any Part or Parts of the said Highways which have hitherto been repaired under and by virtue of any Rate or Assessment for that Purpose; but that all Persons who by Law are or shall be liable to Statute Work.

do Statute Work, or are or shall be chargeable towards repairing and amending the several Highways within the said Borough and Parish, or any Part or Parts thereof, shall still remain liable thereto in like Manner as heretofore, save and except such Parts as are by this Act vested in the said Commissioners.

Recovery and
Application
of Penalties.

LXXVIII. 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 recovering and levying whereof is not hereby otherwise particularly directed, and the Costs and Charges of levying the same, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant of any Justice of the Peace for the said Borough and Parish, or for the City, County, or Place where such Offender or Offenders 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 Information of any credible Witness upon Oath, (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 such Penalties and Forfeitures, when recovered, shall if not herein directed to be otherwise applied, be paid One Half to the Informer or Informers, and the other Half of such Penalties as arise under this Act, or Matter or Thing relating to the Markets, to the Town Clerk for the Time being, and of such Penalties as arise in respect to any other Matter or Thing under this Act, to the Treasurer to the said Commissioners respectively, to be applied to the several and respective Purposes of this Act; and in case of there being no Informer, or of such Informer being either the Mayor, or an Alderman, or Capital Burgesses of the said Borough and Parish, or a Commissioner appointed under and by virtue of this Act, then and in every such Case the Whole of such Penalties and Forfeitures shall be paid to the said Town Clerk, or to the said Treasurer respectively, to be applied for the several and respective Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the said Borough and Parish, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor less than Ten Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Perjury.

LXXIX. And be it further enacted, That any Person or Persons who shall be convicted of wilfully and corruptly taking a false Oath or Affirmation, or wilfully and corruptly give false Evidence in any of the Cases in which an Oath or Affirmation is by this Act directed or required to be taken, shall be and is and are hereby declared to be subject and liable to the Pains and Penalties to which Persons are liable when convicted of wilful and corrupt Perjury.

Appeal.

LXXX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by reason of any Judgment, Conviction, or Determination of any Justice or Justices of the Peace acting
in

in Execution of this Act, or by Reason of any of the Bye Laws, Rules, Orders, and Regulations by this Act authorized to be made, he, she, or they may also appeal to the next General Sessions of the Peace to be holden for the said Borough and Parish which shall happen next after the Expiration of One Calendar Month after such Judgment, Conviction, or Determination, or at any Adjournment of such Session, in every or either of such Case, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Town Clerk for the Time being of the said Borough and Parish, or to the Clerk or Clerks to the said Commissioners respectively, as the Case may require, and within Four Days after such Notice entering into Recognizance in the Sum of Two hundred Pounds with Two Sureties in the Sum of One hundred Pounds each, before some Justice of the Peace for the said Borough and Parish, conditioned for prosecuting such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such General Sessions, or Adjournment thereof; and the said Justice at such General Sessions or Adjournment thereof, upon due Proof of such Notice having been given as aforesaid, and of such Recognizance having been entered into as aforesaid, shall hear and determine every such Appeal in a summary Way, and award such Satisfaction and Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think fit; and the Determination of such Justices shall be final, binding, and conclusive.

LXXXI. And be it further enacted, That in all Cases where any Person or Persons shall be convicted of any Offence against this Act, or any Matter in pursuance thereof, the Conviction shall be in the Form or to the Effect following; (that is to say),

Form of
Conviction.

BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ A. B. is convicted before _____ of His Majesty's Justices of the Peace for the _____ of having, [*here state the Offence*], contrary to the Provisions of an Act passed in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled, [*here insert the Title of the Act*], and I, [*or, We*], the Justice [*or, Justices*] aforesaid do adjudge him, [*her, or them*] to forfeit and pay the Sum of _____ for the said Offence. Given under my Hand and Seal, [*or, our Hands and Seals*], the Day and Year first above written.

LXXXII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, neither the Mayor, Aldermen, or Capital Burgeses of the said Borough and Parish for the Time being, or any or either of them; nor the said Commissioners, or any or either of them, nor any Inhabitant within the said Borough and Parish, shall be deemed an incompetent Witness by reason of his or her being rated and assessed to or paying or liable to pay any Rate or Assessment by virtue of this Act; and every Justice as aforesaid, on any Complaint to him made as aforesaid, may summon before him any competent Witness or Witnesses, under a Penalty not exceeding Twenty Pounds to be paid by any such Witness so summoned and making Default, after having then paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient

Witnesses,
who com-
petent, &c.

Excuse to be allowed by such Justice, and shall give such reasonable Costs to the Plaintiff or Defendant, on the Determination of every such Complaint, as he the said Justice shall think fit; which Penalty and Costs shall be levied and paid as in Cases of Distress for Non-payment of any Penalty imposed by this Act.

Distress not
unlawful.

LXXXIII. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, 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 Proceeding relating thereunto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings
not quashed.

LXXXIV. And be it further enacted, That no Order, Judgment, or other Proceeding made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record, any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice of
Writs.

LXXXV. And be it further enacted, That no Writ shall be sued out against, nor any Copy of any Process at the Suit of any Person or Persons, shall be served on the Mayor, Aldermen, and Capital Burgeses of the said Borough and Parish for the Time being, or any or either of them, or any Commissioner or Commissioners named or appointed in or by virtue of this Act, or against any other Person for any Thing done in pursuance of and by the Authority of this Act, until Notice in Writing of such intended Writ or Process shall have been delivered to such Mayor, Aldermen, and Capital Burgeses, and to the Town Clerk of the said Borough and Parish for the Time being, or to such Commissioner or Commissioners, and their Clerk or Treasurer for the Time being, as the Case may require, or to such other Person or Persons, or left at his and their usual Place or Places of Abode by the Attorney or Agent of the Party intending to sue, or cause the same to be sued out and served, at least Seven Days before the suing out and serving of the same; in which Notice shall be contained the Names and Places of Abode of the Party or Parties intending to sue, and the Cause of Action which such Party or Parties hath or have, or claimeth or claim to have against such Person or Persons respectively; and on which said Notice the Name of such Attorney or Agent, together with the Place of his Abode, shall be indorsed or underwrote.

Amends may
be tendered.

LXXXVI. And be it further enacted, That it shall and may be lawful to and for such Mayor, Aldermen, and Capital Burgeses for the Time being, or any or either of them, and to and for such Commissioner or Commissioners, Person or Persons, at any Time within Fourteen Days after such Notice given or left as aforesaid, to tender sufficient Amends to the Party or Parties complaining, or to his, her, or their Agent or Attorney,

ney, and in case the same is not accepted, to plead such Tender in bar to any Action to be brought against him or them, grounded on such Writ or Process, together with the General Issue of Not Guilty, and any other Plea or Pleas, with the Leave of the Court; and if upon Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, then they shall give a Verdict for the Defendant or Defendants; and in such Case, or in case the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action, or in case Judgment shall be given for such Defendant or Defendants on Demurrer, such Defendant or Defendants shall be entitled to the like Costs as he or they would have been entitled to in case he or they had pleaded the General Issue only; and if upon Issue so joined the Jury shall find that no Amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants upon any such other Plea or Pleas, then they shall give a Verdict for the Plaintiff or Plaintiffs, and such Damages as they shall think proper, which he, she, or they shall recover, together with his, her, or their Costs of Suit.

LXXXVII. And be it further enacted, That no such Plaintiff or Plaintiffs shall recover any Verdict against such Mayor, Aldermen, and Capital Burgeses for the Time being, or any or either of them, or against any such Commissioner or Commissioners, Person or Persons, in any Case where the Action shall be grounded on any Act of the Defendant or Defendants done in pursuance of this Act and by the Authority thereof, unless it is proved on the Trial of such Action that such Notice was given as aforesaid; but in Default thereof such Defendant or Defendants shall recover a Verdict and Costs as aforesaid.

No Verdict
if Notice not
given.

LXXXVIII. And be it further enacted, That no Evidence shall be given by the Plaintiff or Plaintiffs on the Trial of such Action as aforesaid, of any Cause of Action, except such as is contained in the Notice hereby directed to be given as aforesaid.

Evidence.

LXXXIX. And be it further enacted, That in case any such Mayor, Aldermen, and Capital Burgeses for the Time being, or any or either of them, or any Commissioner or Commissioners, Person or Persons shall neglect to tender any Amends, or shall have tendered insufficient Amends before the Action brought, it shall be lawful for him or them, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Money may
be paid into
Court.

XC. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter obstruct, hinder, or molest the said Mayor, Aldermen, and Capital Burgeses, or their Successors for the Time being, or any or either of them, or any of the said Commissioners, or their respective 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,

Penalty for
obstructing
Works.

Work, or of any Matter or Thing to be done by virtue or in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Limitations
of Actions.

XCI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, after the Expiration of Twelve Calendar Months from the Time of the Fact being committed; and every such Action or Suit shall be laid or brought in the said County of *Devon*, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his or their Election, plead specially on the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that 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 a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find 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 if upon 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.

Commissioners Suits may be conducted, &c. in the Name of the Clerk.

XCII. 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 by them 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 Matter or Thing relating to the general Purposes of 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 and on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, Resignation, 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 always be deemed Plaintiff or Defendant in every such Action 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 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 or become chargeable with, by reason of his being so made Plaintiff or Defendant; 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 Three or more of them.

XCIII. Provided also, and be it further enacted, That in all Suits or Actions relative to the special Purposes of this Act, the said Mayor, Aldermen, and Capital Burgeses for the Time being, may sue and be sued in the Name of the Mayor, Aldermen, and Capital Burgeses of the Borough and Parish of *Barnstaple*, in the County of *Devon*. and Mayors,
&c. Suits in
their Name.

XCIV. 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. Public Act.

The SCHEDULES to which this Act refers.

SCHEDULE (A.)

Containing a LIST of Messuages, Lands, Tenements, and Hereditaments, to be purchased by the Mayor, Aldermen, and Capital Burgeses of the Borough and Parish of Barnstaple, for the special Purposes of this Act.

A Messuage or Dwelling House, with its Appurtenances, belonging to the Feoffees of the Long Bridge of Barnstaple aforesaid, in the Occupation of John Irwin, Maltster, situate in the High Street.

A Messuage or Dwelling House, and Garden behind the same, with the Appurtenances, belonging to William Yeo Esquire, in the Occupation of Joseph Abraham, situate in High Street aforesaid.

A Messuage or Dwelling House, with the Appurtenances, belonging to the Right Honourable Lord Rolle, situate in High Street aforesaid, lately called by the Name of the 'Rose and Crown,' now in the Occupation of William Clarke.

A Messuage or Dwelling House, with its Appurtenances, called the 'Seven Stars,' belonging to the Feoffees of Litchdon Almshouses, in Barnstaple aforesaid, in the Occupation of Nicholas Snow, situate in Anchor Lane.

A Messuage or Dwelling House and Garden, with the Appurtenances, belonging to and in the Occupation of Prudence Marshal, Widow, situate in Anchor Lane aforesaid.

A Garden, with its Appurtenances, belonging to Charles Chichester Esquire, in the Occupation of James Mullins, situate in Anchor Lane aforesaid.

A Messuage or Dwelling House and Garden, with the Appurtenances, belonging to the said Mayor, Aldermen, and Burgeses, and Grace Gibbs, Widow, in the Occupation of William Trim, called the 'Ring of Bells,' situate in Anchor Lane aforesaid.

A Garden, with its Appurtenances, situate in the Church Yard and on the Back of the 'Ring of Bells,' belonging to George Barbor Esquire, in the Occupation of Mr. William Servant.

A Messuage or Dwelling House, with the Appurtenances, situate in Boutport Street, belonging to George Barbor Esquire, in the Occupation of George Northcott.

A Messuage or Dwelling House, and Garden behind the same, with the Appurtenances, situate in Boutport Street aforesaid, belonging to Thomas Ville, and in his own Occupation.

A Messuage or Dwelling House, with the Appurtenances, situate in Boutport Street aforesaid, belonging to Thomas May, in the Occupation of Grace Gill.

A Garden, with its Appurtenances, situate on the Back of the said Thomas Ville's House and Garden, belonging to George Northcott, and in his own Occupation.

A Messuage or Dwelling House, with the Appurtenances, situate in Boutport Street aforesaid, belonging to the said Mayor, Aldermen, and Burgeses, in the Occupation of Robert Holland and others.

A Messuage or Dwelling House, with the Appurtenances, situate in Boutport Street aforesaid, belonging to the said Mayor, Aldermen, and Burgeses, in the Occupation of Humphry Rodgment.

A Part of a certain Garden, situate behind a Messuage or Dwelling House in Anchor Lane aforesaid, belonging to and in the Occupation of Samuel King.

SCHEDULE (B.)

Containing a LIST of Messuages, Lands, Tenements, and Hereditaments, to be purchased by the Commissioners of this Act, for the general Purposes thereof.

A Messuage or Dwelling House, with its Appurtenances, situate at the South End of High Street, opposite the Post Office, known by the Name of the 'Heart of Oak,' belonging to the Reverend Henry Hawkins Tremayne, and John Earle Tremayne Esquire, his Son, in the Occupation of Elizabeth Davey.

A Messuage or Dwelling House, with its Appurtenances, situate in High Street, called the 'Jolly Butcher,' belonging to Henry Hacche Drake, in the Occupation of Samuel White.

A Messuage or Dwelling House, with its Appurtenances, situate in High Street aforesaid, called the 'Boar's Head,' belonging to Deane, Widow, in the Occupation of John Dallyn.

The Front Part of a Messuage or Dwelling House, situate in Litchdon, belonging to the Mayor, Aldermen, and Capital Burgeses, in the Occupation of Richard Davey Mason.

The Front Part of a certain Garden, situate in Litchdon aforesaid, belonging to Sir Thomas Dyke Acland, Baronet, in the Occupation of William Heale.

The Front Part of a Messuage or Dwelling House, situate in Litchdon aforesaid, called the 'Half Moon,' belonging to James Kidwell Williams, in the Occupation of John Mules.

A Messuage or Dwelling House, situate near the North Gate, called the 'Mermaid,' belonging to Mary Baker, Elizabeth Irwin, and Ann Tucker, in the Occupation of Elick Tucker.

Part of a Messuage or Dwelling House, situate also near the North Gate, belonging, to _____, in the Occupation of Philip Bremridge, Gentleman.

Part of a certain Messuage or Dwelling House, situate at the East End of Barnstaple Bridge, belonging to _____ Edwards, in the Occupation of the Reverend William Henry Gardiner.

A Messuage or Dwelling House, situate on the Square, belonging to Richard Blackmore, now in the Occupation of Elizabeth Marsh, Widow.

Part

Part of a Piece of Ground or Marsh adjoining Pilton Bridge on the West Side thereof, belonging to the Right Honourable Lord Rolle, in the Occupation of John Dennis the Elder, Tanner.

A Part of a Messuage or Dwelling House, situate on the Square, belonging to the Representatives of Humphry Carder, deceased, in the Occupation of Charles Darke.

A certain Room or Workshop, situate over and across the lower End of Cross Street, being Part of a Messuage or Dwelling House belonging to Mary Fisher, Widow, in the Occupation of William Stribling.

A Part of a Messuage or Dwelling House, situate at the High Cross, belonging to Elizabeth Seaward, Widow, and in her own Occupation.

The Front Part of a Messuage or Dwelling House, situate in Litchdon aforesaid, belonging to Mary Williams, and in her own Occupation.

A Part of a Yard or Piece of Ground, situate in Litchdon aforesaid, belonging to _____ in the Occupation of _____ John Dennis the Younger, Tanner.

A Part of a Messuage or Dwelling House, situate at the South End of the Cattle Market, called the Slee House, belonging to the said Mayor, Aldermen, and Burgeses, in the Occupation of William Tucker.

A certain Room and Cellar adjoining thereto, situate on the Quay, belonging to the said Mayor, Aldermen, and Burgeses, in the Occupation of Richard Rowe Metherell, Merchant.

A certain Piece of Ground or ruinous Walk (lately called Mrs. Yeo's Walk), situate on Prideaux's Quay, belonging to the Mayor, Aldermen, and Burgeses.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.