



ANNO TERTIO

GEORGIIV. REGIS.

Cap. lx.

An Act for amending and enlarging the Powers and Provisions of an Act of His late Majesty King George the Third, intituled *An Act for paving and otherwise improving the Town of Tiverton in the County of Devon*; and for lighting the said Town. [24th May 1822.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act for paving and otherwise improving the Town of Tiverton in the County of Devon*: And whereas in the Execution of the said Act, considerable Sums of Money have been expended, and a large Debt hath been contracted, which now remains due and owing; and the Income arising under and by virtue of the said Act is insufficient for the Purposes thereof: And whereas no Provision is made by the said Act for lighting the said Town, and the Powers and Provisions of the said Act have been found in other respects defective and insufficient, and it is therefore expedient that the same should be amended and enlarged, and that the Rates thereby granted should be varied or increased: 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

[Local.] 21 D

33 G. 3. c. 52.

Commissioners.

liament assembled, and by the Authority of the same, That the Honourable *Dudley Ryder*, commonly called Viscount *Sandon*, the Right Honourable *Richard Ryder*, the Mayor, Recorder, Deputy Recorder, Capital Burgesses, Assistants, and Town Clerk of the Liberty, Town, and Parish of *Tiverton* for the Time being, the Portreeve of the Town of *Tiverton* for the Time being, the Lord or Lords of the Manor of *Tiverton* for the Time being, the Rectors of the several Portions of *Pitt*, *Tidcombe*, and *Clare*, in *Tiverton*, for the Time being, the Curate or Minister of the Portion of *Priors*, in *Tiverton*, for the Time being, the Feoffees, Master, and Under Master or Usher of *Blundell's* School, in *Tiverton*, for the Time being, the Churchwardens of the Parish of *Tiverton* for the Time being, *Richard Budden*, *Brian Beauchamp* Clerk, *John Barne* Clerk, *John Browne* Clerk, *Arthur Boase*, *John West Carew* Clerk, *Henry Carew*, *William Fergusone*, *John Follett*, *Thomas Forwood*, *Stephen Fisher*, *Francis Gloyns*, *Andrew Hutchinson* Doctor of Medicine, *John Heathcoat*, *Thomas Hellingings*, *Richard Lardner*, *Herman Storme May*, *Claus Pell*, *James Partridge*, *James Randolph* Clerk, *George James Riddell*, *John Row*, *Thomas Rendell*, *John Smith*, *William Turner*, and *John Ware*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby constituted and appointed Commissioners for executing this Act and the said recited Act.

Power to appoint additional Commissioners.

II. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be holden in pursuance of this Act or the said recited Act, to elect and appoint any Number of Persons, being resident within the said Town, (not exceeding Five in the whole, in addition to the Number of Commissioners herein named and appointed), to be Commissioners for the Purposes of this Act and the said recited Act; and such Persons, so elected and appointed, and being duly qualified as herein-after mentioned, shall be Commissioners for the Purposes of this Act and the said recited Act, and are hereby invested with the same Powers and Authorities for executing this Act and the said recited Act as if they had been herein named.

For electing new Commissioners.

III. And be it further enacted, That when and as often as any of the Commissioners herein-before named and appointed, or to be elected as aforesaid, or as herein-after mentioned (except such as are Commissioners by virtue of their Situation or Office), shall die or refuse to act, or shall cease to reside for the Space of Two Years within the said Parish of *Tiverton*, it shall and may be lawful for the surviving or remaining Commissioners to elect and appoint a Person being resident within the said Parish of *Tiverton*, to be a Commissioner in the Room of every such Commissioner so dying or refusing to act, or having ceased to reside for the Space of Two Years in the said Parish of *Tiverton* as aforesaid; and no Vacancies of the said Commissioners shall at any Time be filled up but at some General Meeting of the said Commissioners, at which Election the said Mayor, Burgesses, and Assistants of the said Town and Parish of *Tiverton*, and all others who are Commissioners by virtue of their Situation or Office, shall have no Power to vote; and every Person who shall be elected and appointed a Commissioner as aforesaid, shall be joined with the surviving or remaining Commissioners, and be vested with the same Powers and Authorities to act in the Execution of this Act and the said recited

recited Act, to all Intents and Purposes, as if such Person had been particularly named and appointed a Commissioner by this Act.

IV. Provided always, and be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act and the said recited Act, until such Person shall have taken and subscribed an Oath (or being a Quaker, until he shall have made and subscribed an Affirmation) in the Words, or to the Effect following; (that is to say),

Commis-
sioners to
take an
Oath.

‘ I *A. B.* do swear [*or being a Quaker, do solemnly affirm*] That I will
‘ truly and impartially, and without Favour or Affection to any Person
‘ or Persons whomsoever, and according to the best of my Skill and
‘ Judgment, execute and perform all and every the Powers and Authorities
‘ given to and reposed in me in and by an Act passed in the Thirty-fourth
‘ Year of the Reign of His late Majesty King *George* the Third, intituled
‘ *An Act for paving and otherwise improving the Town of Tiverton in the*
‘ *County of Devon*; and by a certain other Act passed in the Third Year
‘ of the Reign of His Majesty King *George* the Fourth, intituled *An Act*
‘ *for, &c.* [*here set forth the Title of this Act.*] So help me GOD.’
‘ [*Or, being a Quaker, omit the Words ‘ So help me God.’*]

V. And be it further enacted, That so much of the said recited Act as authorizes the Commissioners therein named and appointed to purchase all and every or any of the Messuages, Buildings, Lands, and Hereditaments mentioned and described in the Schedule thereto annexed, shall be and the same is hereby repealed.

Repealing
Power to
purchase
Lands, &c.

VI. And be it further enacted, That so much of the said recited Act as enacts, that every Officer and Person accounting as therein mentioned, shall verify his Accounts upon Oath; and also so much thereof as enacts, that if any such Officer or Person shall refuse to verify any such Account upon Oath, he shall be subject to the Punishment therein mentioned, shall be and the same is hereby repealed.

Repealing so
much of
former Act
as requires
Officers to
verify their
Accounts on
Oath.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or who may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act or this Act, or to continue or appoint the Person who has been or who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk of the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of the said recited Act or this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Offices of
Clerk and
Treasurer
not to be
held by One
Person.

VIII. And

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Commissioners and Creditors.

VIII. And be it further enacted, That the said Commissioners shall, and they are hereby required from Time to Time, and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money assessed, received, paid, laid out, and expended, by virtue or in pursuance of this Act or the said recited Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and any Creditor or Creditors of the Rates or Assessments by the said recited Act or this Act authorized to be made, and of all and every Persons and Person rated or assessed to the same, or paying such Rates, or otherwise affected thereby, without Fee or Reward; and the said Commissioners and Creditors, and Persons aforesaid, and any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Commissioners, or such Creditors or Persons, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds.

Commissioners to appoint or contract with Scavengers.

IX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint and employ any proper Person or Persons to be a Scavenger or Scavengers, for cleansing all or any of the Streets, Lanes, Passages, and other Public Places within the said Town, and for carrying away all Dirt, Dust, Dung, Filth, or Soil therefrom; and from Time to Time to order and direct on what Days and at what Times in every Week, the particular Streets, Lanes, Passages, and other Public Places within the said Town shall be cleansed, and the Dirt, Dust, Dung, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such other Orders and Directions to any such Scavenger or Scavengers as shall appear to the said Commissioners necessary for such Purposes; or otherwise it shall be lawful for the said Commissioners from Time to Time to contract with any Person or Persons willing to be employed as such Scavenger or Scavengers, for the cleansing of all or any of the said Streets, Lanes, Passages, and other Public Places within the said Town, and for carrying away all Dirt, Dust, Dung, Filth, and Soil therefrom, at such Time and in such Manner as shall appear expedient to the said Commissioners.

Penalty on Scavengers for not performing Contracts.

X. And be it further enacted, That if any Person or Persons who shall have entered into any Contract with the said Commissioners, for cleansing the Streets, Lanes, Passages, and other Public Places within the said Town, or any of them, shall omit or neglect to perform, execute, and fulfil the Conditions of such Contract, in every respect according to the true Intent and Meaning thereof, every such Person shall for every such Omission or Neglect forfeit and pay any Sum not exceeding Forty Shillings.

XI. And

XI. And be it further enacted, That the respective Occupiers of Houses, Buildings, Lands, and Tenements adjoining to the Streets, Lanes, Passages, and Public Places within the said Town, shall and they are hereby required to cause to be well and sufficiently swept and cleansed the Footways and Footpavements, the whole Length of the Front of their respective Houses, Buildings, Lands, and Tenements, previous to the Hour of Ten in the Morning, on every *Wednesday* in the Week, and on every *Saturday* in the Week, after, the Hour of Four in the Afternoon, except in the *Fore Street*, and there within Two Hours after the Market is removed; and also to cause the Horseways and Carriageways adjoining to such respective Houses, Buildings, Lands, and Tenements, as far as the Middle of the said Streets, Lanes, or Passages respectively, to be well and sufficiently swept and cleansed, and the Dirt, Dung, and Soil therefrom arising to be removed and carried away, on such Days and at such Times as aforesaid (except only as to such of the said Streets, Lanes, and Passages, for the sweeping and cleansing of which a Scavenger or Scavengers shall be appointed by the said Commissioners as aforesaid), on pain of forfeiting and paying any Sum not exceeding Ten Shillings for every Neglect therein.

Occupiers of Houses, &c. to sweep Footways and Carriageways adjoining to such Houses, &c.

XII. And be it further enacted, That if any Person or Persons whomsoever, shall hang up, place, or expose to Sale, or cause or permit to be hung up, placed, or exposed to Sale, any Goods, Wares, or Merchandizes, or any other Matter or Thing whatsoever, in or upon, or so as to project over or upon the Foot or Carriageway of any such Streets, Lanes, Passages, or other Public Places, or beyond the Line of or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hung up or placed, or exposed to Sale, so as to obstruct, hinder, or prevent the Passage of any Person or Carriage therein; or if any Person or Persons shall obstruct, hinder, or prevent the free Passage of any of the said Footways or Carriageways within the said Town, in any Manner whatsoever; or if any Person or Persons shall wilfully break, or aid, abet, or assist in wilfully breaking any Glass or Window Panes, or Windows, in or belonging to any Dwelling House or Building within the said Town; or if any Person shall commit any other Kind of Obstruction, Annoyance, or Nuisance in any Part of such Streets, Lanes, Passages, or Public Places, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For preventing Annoyances in the Streets.

XIII. And be it further enacted, That in case any Slaughter House, Hog Stye, Necessary House, or other noisome or offensive Building or Place whatsoever, in or near any of the Streets, Lanes, Passages, or other Public Places within the said Town, shall (upon Complaint made to the said Commissioners in Writing, signed by Five or more of the Inhabitants of or Persons residing in the said Town, and left at the Office of the Clerk) be by such Commissioners, or any Five or more of them at a Meeting, deemed a Nuisance to any such Inhabitants or Persons, it shall and may be lawful for the said Commissioners, by Notice in Writing under the Hands of any Five or more of them, or under the Hand of their Clerk or Surveyor for the Time being, by Order of such Commissioners, to order or direct such Nuisance to be removed; and in case the same shall not

For Removal of Nuisances.

be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, or left at his, her, or their last usual Place of Abode; or in case any Person or Persons shall reserve, put, place, or keep any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or Filth, which shall arise or be made within his or their respective Houses, Buildings, Yards, or Premises, in or near any of the Streets, Lanes, Passages, or other Public Places within the said Town, either for the Purpose of Manure or otherwise, so as to become a Nuisance or Annoyance to any Inhabitants of the said Town, every such Person or Persons so reserving or keeping any such Dirt, Dust, Dung, Offal, Rubbish, Ashes, or Filth, for the Space of Three Days after Complaint by such Number of Inhabitants or Residents in Manner aforesaid shall have been made and proved to the said Commissioners, or any Five or more of them, of the same being a Nuisance or Annoyance to any of the said Inhabitants or Residents as aforesaid, and after Notice in Writing given to or left for him or them in Manner as aforesaid; every such Person so offending in either of the said Cases, shall for every such Offence respectively forfeit and pay any Sum not exceeding Ten Shillings for every Day that such Nuisance or Annoyance shall be permitted to continue or remain after the Expiration of the Time so limited in such Notices respectively for removing the same as aforesaid.

Water from
Roofs, &c.
to be con-
veyed by
Pipes.

XIV. And be it further enacted, That from and after the passing of this Act, the several and respective Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Passages, and Public Places in the said Town, and every of them, are hereby required, at their own respective Costs and Charges, to cause the Water from the Tops or Roofs, Cornices, and Penthouses of their respective Houses and other Buildings, already made or built, or hereafter to be made or built, within the said Town (if not conveyed into private Cisterns or Reservoirs belonging to such Houses or Buildings), to be conveyed by Pipes or Shutes, to be fixed in such Manner as shall be directed by the said Commissioners or their Surveyor or other Officer, to and down the Fronts or Sides thereof respectively into the Common Channels or Drains, or as the said Commissioners or their Surveyor or other Officer shall direct, within Fourteen Days after a Day to be expressed in a Notice in Writing under the Hands of the said Commissioners, or any Five or more of them, or of their Clerk or Surveyor for the Time being, by their Order, to be for that Purpose given to or left at the last or usual Place of Abode of the Occupiers of such Houses or Buildings; and in case the respective Occupiers shall neglect or refuse to obey such Notices, and to observe and perform the several Matters and Things thereby respectively required to be done within the Time aforesaid, then every Person so neglecting or refusing shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Week the same shall so remain undone.

Inhabitants
to make
Drains into
the present
Sewers, with

XV. And be it further enacted, That it shall and may be lawful for the Owners or Occupiers of any Houses or Buildings within the said Town of *Tiverton*, at their own Expence, but with the Consent in Writing of Five or more of the said Commissioners, and in such Manner as they shall direct, to cause to be made proper Sinks, Sewers, Gutters, Drains, and

and Watercourses for conveying the Water off and from such Houses and Buildings into any of the Public Sewers within the said Town, or to contract with the said Commissioners for the same being done by them, and all such private Sewers, Sinks, Drains, and Watercourses now made or hereafter to be made, shall from Time to Time be repaired or renewed by the Owners or Occupiers of the Houses or Buildings to which the same do or shall belong, under the Direction of the Surveyor or proper Officer of the said Commissioners.

the Consent
of the Com-
missioners.

XVI. And be it further enacted, That the said Commissioners or any Five or more of them, or such Person or Persons as they shall think proper to authorize and appoint for that Purpose, shall also have full Power and Authority from Time to Time, when and as often and in such Manner as the said Commissioners shall think necessary, to cleanse and scour the Streams of Water, and all the Outlets, Channels, or Lakes which by the said recited Act the Commissioners or any Five or more of them, are thereby empowered and authorized to manage and regulate.

For cleansing
the Town,
Lake, &c.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby also authorized and empowered, from Time to Time and at all Times from and after the passing of this Act, to cause the Streets, Lanes, Passages, and other Public Places within the said Town, to be well and effectually lighted, either with Oil or Gas, or otherwise, at such Seasons and Times as the said Commissioners shall judge proper; and for that Purpose the said Commissioners are hereby empowered, if they shall think it expedient so to do, to cause Mains or Pipes for the Conveyance of Gas to be laid and carried along, through, and under the Streets, Lanes, Passages, and other Public Places within the said Town, or any or either of them, and to cause such and so many Lamp Irons, Lamp Posts, Pillars, and Pilasters as they shall judge necessary, to be affixed or set up in, upon, or against the Walls or Palisades of all or any of the Houses or Buildings, or any other Walls or Fences within the said Town, or in or upon any of the Carriageways or Footways within the said Town, in such Situations, and at such Distances, and in such Manner as the said Commissioners shall think proper, and to cause so many Glass or other Lamps, with such Sorts of Burners, and of such Dimensions, Constructions, and Qualities as the said Commissioners shall judge proper, to be provided and affixed upon or to such Lamp Irons, Lamp Posts, Pillars, or Pilasters, or any of them, and to cause the same Lamp Irons, Lamp Posts, Pillars, Pilasters, and Lamps, or any of them, to be from Time to Time taken down, removed, altered, repaired, renewed, or replaced when and as often as they shall think proper, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, and at such Hours in the Evening, and to be kept burning for so many Hours, as shall be thought expedient by the said Commissioners: Provided nevertheless, that nothing herein contained shall extend to authorize the said Commissioners to cause any Pipe or Pipes for the Conveyance of Gas to be affixed upon or against the Wall of any Dwelling House within the said Town, or to be so continued without the Consent of the Owner and Occupier of such House.

Streets, &c.
may be
lighted.

XVIII. And

Power to
contract for
lighting.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to enter into any Contract or Contracts, either with any Gas Light Company to be established within the said Town, or with any other Person or Persons, for having the said Streets, Lanes, Passages, and other Public Places, or any of them, lighted with Oil or Gas, or otherwise, which to the said Commissioners shall from Time to Time seem proper and expedient.

Refuse on
making the
Gas not to
drain into
Rivers,
Wells, &c.

XIX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Passages, and other Public Places, or any of them, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other Waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which may arise or be produced in the Prosecution of the Works of the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Passages, and other Public Places, or any of them, into any River, or into any running Stream or Brook, or into any Sewer, Drain, Passage, or Channel, by means whereof any such Washings or other Waste Liquids, or noisome or offensive Liquids, Substances, or Things as aforesaid, shall be drained, conducted, or conveyed into any River, Stream, or Brook, or into any Well, Spring, or Aqueduct, Waterway, Feeder, Reservoir, Lake, or Pond, or do or cause to be done any other Nuisance, Annoyance, Injury, or Damage, Act, or Thing to the Water contained in any such Well, Spring, Aqueduct, Waterway, Feeder, Reservoir, Lake, or Pond, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and every such Case the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Passages, and other Public Places, or any of them, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Forfeiture or Penalty shall and may be sued for and recovered by any Person or Persons, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than one Imparlance shall be allowed: Provided always, that no such Forfeiture, Penalty, or Costs shall be recoverable, unless the Suit or Action be commenced within Twelve Calendar Months from the Time the Nuisance, Annoyance, Injury, or Damage, Act or Thing shall have ceased or been discontinued: Provided also, that in case any of the said Washings or other Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, into any River, Stream, or Brook, or into any Well, Spring, Aqueduct, Waterway, Feeder, Reservoir, Lake, or Pond, or in case any such Nuisance, Annoyance, Injury, or Damage, Act or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever, to the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Passages, and other Public Places, or any of them, and the Person or Persons, Body or Bodies
Politic

Politic or Corporate as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given, proceed to stop, hinder, or prevent, and shall not, within Two Days after such Notice shall have been given, effectually stop, hinder, or prevent, all and every such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in Manner aforesaid, and every such other Nuisance, Annoyance, Injury, or Damage, Act or Thing from being done as aforesaid; then and in every such Case, the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Passages, and other Public Places, or any of them, shall (over and above and in addition to the aforesaid Penalty of Two hundred Pounds, and whether such Penalty shall or shall not have been received) forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; one Moiety whereof shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the Parish or Parishes in which the Penalty shall be incurred.

XX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by virtue of this Act, the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the Streets, Lanes, Passages, and other Public Places within the said Town, or any of them, shall at their own Expence, immediately after Notice thereof by Parole or in Writing from any Inhabitant of the said Town, given to any such Person or Persons, or to the Clerk or other Officer or Agent of any such Body or Bodies Politic or Corporate, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case such Person or Persons, Body or Bodies Politic or Corporate, shall not within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, proceed to discover and prevent the Gas from escaping, and to remove the Cause of Complaint, that then and in every such Case such respective Person or Persons, Body or Bodies Politic or Corporate, shall for every such Offence forfeit and pay the Penalty or Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving or serving of such Notice, during which Time such Person or Persons, Body or Bodies Politic or Corporate, shall neglect to take the necessary Steps for preventing the Escape of such Gas as aforesaid; one Moiety of which Penalty shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the Parish or Parishes in which the Penalty shall be incurred.

Penalty on
Gas es-
caping.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment, or otherwise, against any Person or Persons, or any Body or Bodies Politic or Corporate, or

Persons con-
tracting to
light with
Gas liable to
be indicted.

[*Local.*]

21 F

any

any of his or their Servants, Workmen, or Officers who shall light or contract for lighting the said Streets, Lanes, Passages, and other Public Places within the said Town, in respect of any Works, or the Means which shall be employed by them in making the said Gas, and using the same, or furnishing such Light as aforesaid, as a public or private Nuisance; or from bringing any Action or Actions against any of such Person or Persons, or Body or Bodies Politic or Corporate, or any of their Servants, Workmen, or Officers, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Lamps, &c.
to be vested
in the Com-
missioners.

XXII. And be it further enacted, That all the Posts, Pillars, Pilasters, Lamp Irons, and Lamps, which from Time to Time shall be erected, set up, or furnished for the Public Lighting of the said Town, or any Part thereof, either by or by the Order of the said Commissioners, or any Gas Light Company, or other Person or Persons as aforesaid, in pursuance of any Contract or Contracts between the said Commissioners and such Gas Light Company or other Person or Persons as aforesaid, shall belong to, and be the Property of, and the same are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, as the Case may require, against any Person or Persons who shall steal, carry away, detain, deface, damage, injure, or destroy the several Articles and Things, or any of them, or any Part or Parts thereof, so hereby or by the said recited Act vested in the said Commissioners; and in all Actions and Bills of Indictment respectively, it shall 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 such Bill or Bills of Indictment shall be preferred, is or are the Property of "The Commissioners for paving and otherwise improving the Town of *Tiverton*, in the County of *Devon*," without stating or specifying the Names of all or any of the said Commissioners.

Penalty for
wilfully
breaking
Lamps.

XXIII. And be it further enacted, That if any Person or Persons whomsoever, shall wilfully or maliciously take away, break, throw down, or otherwise deface or damage any Lamp or Lamps which shall have been set up by or by Order of the said Commissioners for the lighting of any Part of the said Town, or any Post or Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall be lawful for any Justice or Justices of the Peace for the Liberty of the Town and Parish of *Tiverton*, and he and they is and are hereby required, upon Oath made of the Commission of such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons who shall see any such Offence committed, to apprehend, and for any other Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this

Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice or Justices of the Peace for the said Liberty; and if the Party or Parties so accused, shall be convicted of such Offence or Offences, either upon Confession or by the Oath of any credible Witness, then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds, and the Offender or Offenders shall also make full Satisfaction to the said Commissioners for the Damages so done; and such Damages, having been ascertained by such Justice or Justices, shall and may be levied and recovered from such Offender or Offenders, in the Manner directed for the Recovery of Penalties in and by the said recited Act and this Act, and when so recovered, the same shall be paid to the Treasurer of the said Commissioners, to be applied for and towards the Uses and Purposes of the said recited Act and this Act.

XXIV. And be it further enacted, That if any Person or Persons whomsoever, shall carelessly or accidentally break, throw down, or otherwise destroy, deface, or damage any Lamp or Lamps which shall have been set up by or by Order of the said Commissioners, for the Public Lighting of any Part of the said Town, or any such Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, and shall not immediately, upon Demand made by any Officer of the said Commissioners, make Satisfaction for the Damages done thereto, then and in every such Case it shall and may be lawful for any Justice of the Peace for the Liberty of *Tiverton* aforesaid, upon Complaint thereof to him made, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or upon the Contempt in not appearing of the Party or Parties so complained of, to award such Sum or Sums of Money as the Damages proved on Oath before such Justice shall amount unto; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, after Demand, then the same shall and may be levied and recovered from the Party or Parties so complained of, in the Manner directed for the Recovery of Penalties by the said recited Act, and shall be paid to the Treasurer to the said Commissioners, to be applied for and towards the Uses and Purposes of the said recited Act and this Act.

Penalty to be paid for Lamps broken accidentally.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Streets, Lanes, Passages, and other Public Places within the said Town, to be watered at such Seasons and Times, and in such Manner as the said Commissioners shall direct.

Power to water Streets.

XXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, when and as often as they shall think it necessary and expedient, to provide and set up Watch Houses and Watch Boxes, in such Situations as they shall judge proper and expedient, in any of the Streets, Lanes, Passages, and other Public Places in the said Town, and to appoint and employ such and so many Watchmen and Night Patrols

For appointing Watchmen.

as

as they shall judge expedient and necessary to be employed for the Security and good Order of the said Town, and such Watchmen and Night Patroles from Time to Time to remove and displace, and to appoint others in their Stead; and also to order and direct how many of the said Watchmen and Night Patroles shall attend nightly within the said Town, and how such Watchmen and Night Patroles shall be armed, and at what Stations they shall be placed, for what Number of Hours they shall watch, and how often they shall go their Rounds, and also to fix and determine what Wages or other Allowances shall be paid or given to them for their Services; and the said Commissioners are hereby empowered to make such further Orders and Regulations from Time to Time, for the better Government and Direction of the said Watchmen and Night Patroles, as the Nature of their Services shall appear to them to require.

**Duties of
Watchmen.**

XXVII. And be it further enacted, That the said Watchmen and Night Patroles respectively shall and may, and they are hereby empowered and required to arrest and apprehend all Night Walkers, Felons, Vagrants, Disturbers of the Peace, and all disorderly and suspected Persons who shall be found misbehaving or wandering within the said Town, and to lodge or secure such Person or Persons in the Common Gaol or House of Correction, for or within the said Liberty, or in any other House or Place within the said Liberty which shall be provided or appointed for that Purpose, to be there safely kept and detained until they can be carried or brought before some Justice of the Peace for the said Liberty, to be examined and dealt with according to Law; and all such Watchmen and Night Patroles are hereby respectively constituted Constables of the said Liberty, from the Times of their respective Appointments during the respective Periods of their continuing in such Employment; and they shall have and are hereby respectively invested with such and the same Powers, Authorities, and Protections, as Constables are invested with and entitled to by Law.

**Penalty on
Watchmen
for Neglect of
Duty.**

XXVIII. And be it further enacted, That if any of the said Watchmen or Night Patroles so appointed or employed as aforesaid, shall not observe and perform all the Orders, Rules, and Regulations made by the said Commissioners for their Conduct and Government in their aforesaid Employment, or shall in any other Manner neglect their Duty, or misbehave, every Person so offending shall forfeit and pay for every such Offence, any Sum not exceeding the Sum of Ten Shillings, and also shall be immediately dismissed from his said Employment, if the said Commissioners shall think proper.

**Penalty on
Persons
harbouring
Watchmen.**

XXIX. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling Spirituous or other Liquors within the said Town, shall entertain or harbour in his or her House or Outhouse, any such Watchmen or Night Patroles, during any of the Hours or Times appointed for the Attendance on Duty of such Watchmen or Night Patroles by virtue of this Act, then every such Victualler, Alehouse Keeper, or other Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XXX. And

XXX. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of the said recited Act, the Collector or Receiver shall and he is hereby required to deliver *gratis*, to the Person paying such Toll, a Note or Ticket denoting such Payment, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates (if any) which such Ticket shall free. Tickets to be printed.

XXXI. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid in pursuance of the said recited Act, at any Turnpike Gate or Toll Gate erected or to be erected by virtue of the said recited Act, shall, on returning without a Note or Ticket denoting a fresh Hiring being produced, be permitted to repass Toll free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike Gate or Toll Gate on the same Day. Post Horses returning another Day, to pass Toll free.

XXXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses, Cattle, or Carriages, of whatsoever Description, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for the Horses belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review (provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption); nor for any Horses, Beasts, Cattle, or Carriages used for the Purpose of carrying or conveying any Person or Persons in Custody under a legal Warrant; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds. General Exemptions from Toll.

XXXIII. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the Liberty of *Tiverton* aforesaid, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be Disputes concerning Tolls to be settled by a Justice.

[Local.]

forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any), after Payment of such Costs, and the reasonable Costs of such Distress and Sale (to be ascertained and determined in case of Dispute concerning the same by such Justice), shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

For prevent-
ing Toll
Collectors
from mis-
behaving,
&c.

XXXIV. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed under the said recited Act, or by the Commissioners for executing the same, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act, shall and he is hereby required on each and every Day previous to entering on Duty for Collection of the said Tolls, to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Turnpike Gate or Toll Gate, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them; or shall, in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket, denoting the Payment of such Tolls, and having named and specified thereon the Gate at which such Toll has been paid, and also the several Gates freed by such Payment; or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any such Turnpike Gate or Toll Gate; or shall make use of any scurrilous or abusive Language to any Passenger or Passengers; then and in every such Case such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of the said recited Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Repealing
Power in
former Act
to get Mate-

XXXV. And be it further enacted, That so much of the said recited Act as authorizes or empowers such Person or Persons as the Commissioners, or their Surveyor or Surveyors, shall appoint, to dig, take, and carry

carry away any Gravel, Stones, Sand, and other Materials proper or convenient for the Purposes of the Act, out of the private Grounds of any Person or Persons where such Materials are and may be found, and from Time to Time to carry away such and so many of the said Materials respectively as the said Surveyor and Surveyors shall adjudge necessary for the Purposes of the Act; shall be and the same is hereby repealed.

rials from
private
Grounds.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or their Surveyors or Surveyor, and all such Persons as they or he shall appoint, to search for, cut, dig, gather, get, and take away any Gravel, Stone, Sand, or other Materials for paving, amending, or improving and keeping in Repair the Carriage Ways and Footways of the said Streets, Lanes, Passages, and Places, or any Part thereof, out of any Waste or Common, or out of any common River or Brook in the said Parish of *Tiverton*, or in any adjoining Parish or Place, without paying any thing for the same; they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case the said Surveyors or Surveyor, or other Persons as aforesaid, may by Order of any Justice or Justices of the Peace for the Liberty of *Tiverton* aforesaid, search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons, Bodies Politic or Corporate within the said Parish of *Tiverton*, (such Lands, Fields, or Grounds not being the Ground whereon any Dwelling House stands, nor a Garden, Orchard, Yard, Lawn, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials; and also for the Damage done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for amending, improving, or repairing the said Carriage Ways and Footways shall be carried, as shall be agreed upon between them and such Owners or Occupiers; or in case of their not agreeing, then as any Justice or Justices of the Peace acting in and for the Liberty of *Tiverton* aforesaid, on Ten Days Notice thereof being given by the said Commissioners, or such Surveyors or Surveyor, to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyors or Surveyor, or to be left at their respective Places of Abode, with some or one of their respective Families or Servants (as the Case may be), shall and may adjudge and determine to be reasonable; provided also, that no such Stone or other Materials as aforesaid, shall be gotten, dug for, or taken away within the Distance of One hundred Yards of any Bridge, Mill, Mill Weir, or Dam; nor so as to injure any Building or Highway, on any Account or Pretence whatsoever.

For getting
Materials.

XXXVII. Pro-

Notice to be given to Occupiers of inclosed Lands.

XXXVII. Provided nevertheless, and be it further enacted, That it shall not be lawful to or for any Person or Persons acting under the Authority of this Act or the said recited Act, to dig, gather, get, take, or carry away, any Materials for repairing such Streets, Lanes, Passages, or Places, out of or from any inclosed Lands or Grounds, until Fourteen Days Notice in Writing, signed by the said Surveyors or Surveyor, shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner and Occupier at his or her usual Place of Residence, to appear before any Justice or Justices of the Peace acting in and for the said Liberty of *Tiverton*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case such Justice or Justices shall and may authorize such Commissioners or their Surveyors or Surveyor, or such Person or Persons, to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, pursuant to such Notice, the said Justice or Justices shall and may make such Order therein as he or they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended.

Penalty on taking away Materials.

XXXVIII. And be it further enacted, That if any Person or Persons shall remove or take away any Stones, Gravel, or other Materials laid upon or near such Streets, Lanes, Passages, or Places, or any Part thereof, without the Order of the said Commissioners for that Purpose; or if any Person or Persons shall take away any Stones, Gravel, or other Materials which have been dug, got, or gathered in any Land, Field, or Waste Ground, River or Brook, for the Purpose of amending or repairing such Streets, Lanes, Passages, or Places, or any Part or Parts thereof; or shall get or take away any Stones, Gravel, or other Materials, out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Commissioners, or their Surveyor or Surveyors, or Workmen, shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been made, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Commissioners, &c. the same to

XXXIX. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners

Commissioners to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Commissioners, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall or may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of the said recited Act and this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to their Treasurer for the Time being, as the Case may be.

to be levied by
Distress of
the Goods
of such
Commis-
sioners or
their Treas-
urer.

XL. And in order to enable the said Commissioners more effectually to carry the Purposes of this Act and the said recited Act into Execution, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from and after the passing of this Act, to raise and levy annually, or oftener, if the said Commissioners shall think proper, such Sum and Sums of Money as they shall think necessary for the Purposes of this Act and the said recited Act, by a Rate or Assessment to be made and levied upon all Houses, Buildings, and Lands (except Fields and Orchards) within the Distance of Half a Mile from a certain Place called *Coggan's Well*, in the *Fore Street*, in the Town of *Tiverton* aforesaid; which Rates and Assesments, shall be from Time to Time charged upon, and paid and payable by the respective Tenants and Occupiers for the Time being of such Premises, but to be allowed to such Tenants and Occupiers again as herein-after mentioned: Provided nevertheless, that such Rates and Assessments shall not exceed in the whole, in any one Year, the Sum of Three-pence in the Pound upon the gross Annual Value of such Premises respectively as shall not amount to the gross Annual Value of Five Pounds; and shall not exceed in the whole in any one Year the Sum of Sixpence in the Pound upon the gross Annual Value of such Premises respectively as shall amount to the gross Annual Value of Five Pounds, and shall not amount to the gross Annual Value of Ten Pounds; and shall not exceed in the whole in any one Year, the Sum of One Shilling in the Pound upon the gross Annual Value of all Tenements amounting to the gross Annual Value of Ten Pounds or more, such Annual Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint; and the First Year for which such Rates shall be made, shall commence upon the First Quarter Day after the passing of this Act, and the Monies to be raised and assessed as afore-

[*Local.*]

21 H

said,

said, shall from Time to Time be paid to the Collector or Collectors of the Rates, to be appointed as directed by the said recited Act, and the Money so collected shall be paid over by such Collector or Collectors into the Hands of such Person or Persons, and at such Times as the said Commissioners shall appoint, and shall be raised, levied, and recovered by the same Ways and Means, and in the same Manner as prescribed or provided in or by the said recited Act, for raising, levying, and recovering the Monies, or Rates or Assessments thereby authorized to be imposed; and the Rates by this Act authorized to be imposed shall be in lieu of the Rates by the said recited Act authorized to be imposed, levied, and recovered: Provided always, that such Tenants or Occupiers of the said Houses or other Buildings, with their Appurtenances, as are or shall be Tenants at Rack Rent, and who shall have paid any such Rate or Assessment which shall be so made or laid as aforesaid, are hereby authorized and empowered to deduct the same out of the then or the next Rent payable by them for or in respect of such Houses, or other Buildings, with their Appurtenances respectively, and their respective Landlords are hereby required to allow such Deductions accordingly, upon the Receipt of the Remainder of their Rent; but no such Deductions shall be made, nor shall any Landlord be obliged to allow the same, contrary to any Lease or Agreement now existing or hereafter to exist between Landlord and Tenant.

Power to
borrow
Money.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven of them, from Time to Time, upon the Credit of the Rates and Assessments by this Act herein-before authorized to be made and collected, to borrow and take up at Interest, any such Sum and Sums of Money as they shall think fit, not exceeding in the whole the Sum of One thousand five hundred Pounds, and by Writing under their Hands and Seals, to mortgage, demise, grant, or assign the said last mentioned Rates, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid for thereout), to any Person or Persons, for any Term or Number of Years or otherwise, as a Security for the Monies which shall be so borrowed, and the Interest thereof, but no Monies shall be borrowed by virtue of this Act, unless Notice shall be given thereof in such Manner as directed by the said recited Act; 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 such Rates 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 Mortgage or Assignment to be made by virtue of this Act, shall be in Form or to the Effect following; (to wit),

Form of
Mortgage.

‘ BY virtue of an Act passed in the Third Year of the Reign of King
 ‘ **B** George the Fourth, intituled [*here insert the Title of this Act*] we
 ‘ of the Commissioners appointed by or in pursuance
 ‘ of the said Act, in consideration of the Sum of _____ Pounds,
 ‘ advanced and lent by *A. B.* upon the Credit and for the Purposes of the
 ‘ said Act, do grant, bargain, sell, and demise unto the said *A. B.* his
 ‘ Executors,

Executors, Administrators, and Assigns, such Proportion of the Rates and Assessments authorized by the said Act to be assessed and collected, as the said Sum of Pounds, doth or shall bear to the whole Sum which may at any Time be charged upon the Credit of such Rates and Assessments, to be had and holden from this Day of until the said Sum of Pounds, with Interest for the same after the Rate of Pounds *per Centum per Annum*, shall be paid and satisfied. Given under our Hands and Seals, this Day of

And Copies, or Entries, or Memorandums of every such Mortgage or Assignment, containing the Dates, Names of the Parties, and Sums borrowed, shall be made and entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners, and which shall and may be inspected at all seasonable Times by all Persons interested, without Fee or Reward; and the Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may, from Time to Time, by Writing under his or her Hand, assign and transfer his, her, or their Right, Title, and Interest to the Principal and Interest Money thereby secured, to any Person or Persons, either by a separate Instrument, or by an Indorsement on such 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 Rates and Assessments authorized to be assessed and collected by an Act made in the Third Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*] and all my Right and Title to the Principal Money and Interest thereby secured, unto *C. D.* his Executors, Administrators, and Assigns. Dated this Day of

Form of Transfer.

Which said Transfer or Assignment shall be produced to the Clerk of the said Commissioners, who shall register and enter the same in the Book or Books to be kept for entering the original Mortgage or Assignment, for doing whereof he shall be paid Two Shillings and Sixpence by the Person requiring the same; and after every such Entry thereof made, every such Transfer shall entitle such Assignee or Assignees to the Benefit thereof and Payment thereon; 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.

XLII. And be it further enacted, That out of the Monies arising by virtue or for the Purposes of this Act and the said recited Act, the said Commissioners shall in the first Place pay and discharge the Expences of procuring and passing this Act, together with legal Interest for Monies advanced or to be advanced by any Person or Persons for that Purpose; and afterwards shall from Time to Time pay and discharge the Interest of all the Monies borrowed and to be borrowed, as by this Act and the said recited Act is directed, and afterwards pay and apply the Monies from Time

Application of Money.

Time to Time to arise and be received by virtue of this Act and the said recited Act as aforesaid, in, for, and about the carrying the several Purposes of this Act and the said recited Act into Execution, and the Surplus thereof (if any) shall be applied in paying off such Principal Money at such Time and Times, and in such Manner as the said Commissioners shall think proper.

For securing
transient
Offenders.

XLIII. And be it further enacted, That it shall and may be lawful for any of the said Commissioners, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Collectors, Surveyors, or Officers), who shall commit any Offence or Offences against this Act, and deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of the said recited Act or this Act.

Respecting
Application
of Penalties.

XLIV. And be it further enacted, That all Penalties and Forfeitures for any Offence in this Act mentioned, shall be recovered in the same Manner as any Penalties or Forfeitures are directed to be recovered by virtue of the said recited Act, and shall be applied for the Purposes of the said recited Act and this Act, except in such Cases as are herein otherwise particularly provided for: Provided always, that in case sufficient Distress cannot be found for levying any Penalties or Forfeitures incurred under this Act or the said recited Act, and such Penalties and Forfeitures shall not be paid, it shall be lawful for the Justice by whom the Warrant or Warrants of Distress shall be issued, to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security (and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant or Warrants, it shall appear that no such sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said Liberty of *Tiverton*, for any Time not exceeding Three Calendar Months, unless the Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Provisions of
former Act
extended to
this Act.

XLV. And be it further enacted and declared, That the several Clauses, Provisions, Powers, and Authorities, Limitations, Restrictions, Indemnities, Exemptions, Punishments, Penalties, Forfeitures, Remedies, and Power

Power of Appeal, and all other Matters and Things contained in the said recited Act (except such as are by this Act varied, altered, or repealed), shall continue and be in full force, and shall be exercised and put in Execution, and shall be applicable and applied to all Cases that shall arise under this Act, by all Persons whomsoever, as well for demanding, collecting, receiving, recovering, and enforcing the Payment of or appealing against the Rates and Assessments to be made, assessed, or imposed by virtue of this Act, as for the Recovery and Application of all Penalties and Forfeitures by this Act imposed, and for performing all such other Matters and Things as are authorized to be done and performed by virtue of the said recited Act and of this Act, in such and the like Manner, in all respects (as far as the Circumstances of the Case will admit), as if the said several Clauses, Provisions, Powers, Authorities, Limitations, Restrictions, Indemnities, Exemptions, Punishments, Penalties, Forfeitures, Remedies, and Power of Appeal, and the several other Matters and Things contained in the said recited Act, were repeated and re-enacted in the Body of this Act.

XLVI. Provided always, and be it further enacted, That from and after the passing of this Act all special Obligations, by reason of Tenure or otherwise, to repair the said Streets, Lanes, Passages, or other Public Places, within the said Town of *Tiverton*, or any of them, or any Part or Parts thereof respectively, distinct and separate from the Obligations to which, by the general Course of Common Law, Parishes at large of Common Right are generally subject, shall cease, determine, and be void.

Certain Obligations by reason of Tenure, &c. to repair Streets, made void.

XLVII. Provided also, and be it further enacted, That nothing herein or in the said recited Act contained, shall extend to compel or oblige the said Commissioners to repair, amend, or maintain any Public Bridges within the said Town, or the Ways or Streets at the End thereof, or adjoining thereto, or any of the Footways or Carriageways, or any Parts thereof, which have been heretofore usually repaired, amended, and maintained at the Public Costs and Charges of the Liberty of the Town and Parish of *Tiverton* aforesaid, or the Parish of *Tiverton* aforesaid, or the Surveyors of the Highways there.

Commissioners not to be liable to repair Bridges, &c.

XLVIII. And be it further enacted, That nothing in this Act contained shall in any Manner take away, alter or prejudice, lessen or defeat any legal Power, Privilege, Franchise, or Authority of or belonging to the said Mayor and Burgesses of the Town of *Tiverton*, or of the Lord or Lords of the Manor of *Tiverton*, or any of the Juries or Officers of their Courts or Leets within the said Town (save only the Power and Authority, if any such there be, of preventing or hindering in any respect the Execution of this Act, or of punishing any Person or Persons who shall have been punished by the Authority of this Act for the same Offence), but that the said Mayor and Burgesses, and Lord or Lords of the Manor, Juries and Officers respectively, shall and may, at all Times hereafter, use, exercise, and enjoy all and every such Powers, Privileges, Franchises, and Authorities (save only as before is saved), in as full, large, and beneficial a Manner, in all respects whatsoever, as if this Act had not been made or passed.

Saving Rights of the Corporation and Lords of the Manor.

1874

3° GEORGIIV. *Cap. lx.*

Public Act.

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

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