



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. viii.

An Act for removing the Markets held in the *High and Fore Street* and other Places within the City of *Exeter*, and for providing other Markets in lieu thereof. [26th *March* 1834.]

WHEREAS the principal Market for supplying the Inhabitants of the City of *Exeter* and the Neighbourhood thereof with Provisions, and for buying and selling Goods, Wares, and Merchandize, hath been immemorially held and still continues to be holden in the principal Street of the said City called the *High* or *Fore Street*: And whereas other Markets for supplying the Inhabitants of the said City of *Exeter* and the Neighbourhood thereof with Meat, Fish, Corn, Seed, and Grain of all Sorts, Wool, and Leather, and also for buying and selling and exposing to Sale live Cattle and other live Stock, have been and continue to be held in several other Places and Streets in the City and County of the said City of *Exeter*: And whereas the said City and Neighbourhood have of late Years greatly increased and are still increasing in Population and Buildings; and the said Streets called the *High* and *Fore Street*, wherein the principal Market is held, being the great Thoroughfare of the said City, and from the great Increase of the Population and of the Articles brought into the said Market for Sale, the Footways and Carriageways along the same are, by reason of the said Market being held therein as aforesaid, much incommoded and obstructed, and rendered very dangerous to the Inhabitants and Public at large frequenting the said Market or passing in or through the same: And

[*Local.*] H b whereas

whereas the Mayor, Bailiffs, and Commonalty of the said City, under and by virtue of certain Royal Charters or Grants, and also by Prescription or Usage, are entitled to hold all and every of the said Markets, and to have and receive the Stallage, Piccage, Tolls, Profits, Issues, Rents, Duties, Payments, Benefits, and Emoluments arising, growing, or happening for or in respect of all Articles exposed for Sale in the said Markets: And

1 G. 4. c. 78. whereas an Act was passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for removing the Markets held within the City of Exeter, and for providing another Market Place or other Market Places in lieu thereof*: And whereas the said Mayor, Bailiffs, and Commonalty are willing and desirous, and it would be a great Convenience and Advantage to the Inhabitants of the said City and Neighbourhood and to the Public, to erect and provide Two Market Places within the said City, so that the Market now held in the *High* and *Fore Streets*, together with the Fish Market, were removed to One such Market Place, and that the present Pork and Butchers Stall Market, situate in *Goldsmith Street*, together with the Corn, Oat, Seed, Wool, and Leather Markets, were removed to One such other Market Place; and if good and sufficient Stalls, Standings, and other Accommodations were erected, made, and provided, instead of the Places and Streets where the said Markets are now held in the said City; and also if proper Rules and Regulations were made and established for the good Government and Management of the said Markets; but the several Objects aforesaid cannot be effected without 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 said recited Act of the First Year of the Reign of His late Majesty King *George* the Fourth shall, (save and except so much and such Parts of the said recited Act as relates to the Cattle Market thereby authorized to be provided by the said Mayor, Bailiffs, and Commonalty,) from and after the passing of this Act, be and the same is hereby repealed.

Recited Act repealed, save as relates to the Cattle Market.

Mayor, &c. to purchase Houses, and appropriate the Sites thereof to the Purposes of this Act;

and to open Markets.

II. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty, and their Successors, shall and may and they are hereby required to proceed to the Purchase, in manner herein-after mentioned, of certain Houses, Buildings, Erections, Lands, Gardens, Tenements, and Hereditaments contained in the Schedules to this Act annexed, and to take down or alter all or any of the Messuages, Dwelling Houses, and Buildings which shall be so purchased for the Purposes of this Act, as herein-after mentioned, or any Part or Parts thereof respectively, and to appropriate all or any of the Ground or Sites thereof respectively, and also all or any of the Lands, Gardens, or Grounds so to be purchased as aforesaid, for all or any of the Purposes of this Act, and to make and form an Opening upon the Site contained in the First Schedule to this Act, and to set apart and appropriate a sufficient Space of Ground in such Opening, and to open and establish a Market, and to make, erect, and build thereon or upon any Part thereof proper and sufficient Edifices, Offices, Buildings, Stalls, Standings, and other Conveniences for the Sale of Pork and Butchers Meat, Wheat, Oats, Barley, Seed, and Grain of all Sorts, Wool and Leather, and which said Market shall be called *The Lower Market*; and also to make and form one other Opening, in manner aforesaid,

^aforesaid, upon the Site contained in the Second Schedule to this Act, and to set apart and appropriate a sufficient Space of Ground in such Opening, and to open and establish a Market, and to make, erect, and build thereupon or upon any Part thereof proper and sufficient Edifices, Offices, Buildings, Stalls, Standings, and other Conveniences for the Sale of Fish, Pork, (such Pork not belonging to any Butcher by Trade, and brought in Joints in Panniers, to be sold with other Provisions,) and also Poultry, Eggs, Butter, Potatoes, Vegetables, Fruit, Garden Stuff, Roots, and all or any such Goods, Wares, Merchandize, Articles, and all other Things as are usually sold in public Markets (other than and except the Provisions and Things appropriated for Sale in the first-mentioned Market), which said Market shall be called *The Higher Market*; and also to make convenient Avenues and Approaches leading to the said respective Openings and Markets, and all necessary Sewers and Drains from the same, and also to do and perform all such other Acts, Matters, and Things as shall or may be necessary for the making and completing the said Two several Openings and Markets, Buildings, Erections, and Avenues and Conveniences, according to the true Intent and Meaning of this Act, and for otherwise carrying the same into execution.

III. And be it further enacted, That it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty to appoint a Clerk or Clerks, Treasurer or Treasurers, Inspector or Inspectors, and Collector or Collectors, and also to appoint and employ such other Officers or Persons as the said Mayor, Bailiffs, and Commonalty shall think proper, and to remove and displace all or any such Officers as they shall see Occasion, and to elect and appoint others in the Room or Place of such of them as shall be so removed, or shall die, or resign their Offices; and the said Mayor, Bailiffs, and Commonalty shall and may, out of the Monies to be raised or received by virtue of this Act, pay and make to every such Clerk, Treasurer, Inspector, and Collector, and other Officer or Person to be employed as aforesaid, such Salary and Allowance for his Attendance, Care, and Service, as to the said Mayor, Bailiffs, and Commonalty shall seem meet, reasonable, and proper.

Officers to be appointed.

IV. Provided always, and be it further enacted, That it shall not be lawful for the said Mayor, Bailiffs, and Commonalty to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk of the said Mayor, Bailiffs, and Commonalty; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as

Clerk and Treasurer not to be the same Person.

Deputy

Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Mayor, Bailiffs, and Commonalty other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue within Six Calendar Months from the Time of committing such Offence 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.

Books of Accounts to be kept, and to be open to the Inspection of Creditors.

V. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty shall and they are hereby required 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 received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Mayor, Bailiffs, and Commonalty, or any Creditor or Creditors on the Tolls, Rents, or Rates hereby granted, without Fee or Reward; and the said Mayor, Bailiffs, and Commonalty, and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall not permit or shall refuse to permit the said Mayor, Bailiffs, and Commonalty, or such Creditors, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding the Sum of Five Pounds.

Officers to account.

VI. And be it further enacted, That every such Treasurer, Clerk, Collector, or other Officer or Person to be appointed under or by virtue of this Act, or who shall be employed in the Execution thereof, shall from Time to Time, when required by the said Mayor, Bailiffs, and Commonalty, render and give in a particular Account in Writing under his or their Hand or Hands, to the said Mayor, Bailiffs, and Commonalty, of all such Monies which he or they shall have respectively received and paid by virtue of this Act, and shall from Time to Time, when thereto required by the said Mayor, Bailiffs, and Commonalty, by Notice in Writing, pay all such Monies as shall be in his or their Hand or Hands to the said Mayor, Bailiffs, and Commonalty, or to such other Person or Persons as they shall authorize or appoint to receive the same.

Accounts to be annually made out.

VII. And whereas the Rents, Stallage, Tolls, and Duties arising from the *Fore Street* General Market, the Fish Market, the Pork and Country Butchers Markets, and the Corn, Seed, Wool, and Leather Markets, and received by the said Mayor, Bailiffs, and Commonalty from the said Markets, on an Average for the last Three Years amount to the net annual Sum of One thousand and eighteen Pounds; be it further enacted, That such Clerk so appointed as aforesaid, previous to the *Michaelmas* Sessions in each Year, shall draw out a general Balance Sheet or Statement, containing an Account of all Monies received for all Tolls and Duties payable

payable by the Schedules to this Act annexed, and of all Disbursements and Allowances for the preceding Year, made up to the Twenty-fourth Day of *June* then preceding, in which Account the said Mayor, Bailiffs, and Commonalty shall take Credit for such Sum as shall be equal in Amount to the annual Sum of One thousand Pounds, to arise from the several Rents, Stallage, Tolls, and Duties imposed under and by virtue of this Act, together with the Arrears in the Amount of such annual Sum of One thousand Pounds for any preceding Year, as a Compensation for the Interest the said Mayor, Bailiffs, and Commonalty now have in the Rents, Stallage, and Tolls derived from the several Markets now held in the *Fore* or *High Street*, the Fish Market, the Pork and Butchers Stall Market in *Goldsmith Street*, the Corn, Grain, Seed, Wool, and Leather Market within the said City, and also for their Estate and Interest in the open Spaces of the present Fish Market, Corn Market, Pork and Butchers Markets, together with the Buildings and Erections of the aforesaid Pork Butchers Stall Market in *Goldsmith Street*; and the said Mayor, Bailiffs, and Commonalty shall and they are hereby required to order and direct such Statement to be printed and published in One of the Newspapers at least usually printed and published within the said City within One Calendar Month from such *Michaelmas* Sessions, which Statement shall be signed by the Clerk for the Time being.

VIII. And be it further enacted, That in case any Creditor or Creditors on the Tolls, Rents, or Rates hereby granted shall within Three Calendar Months next after the printing and publishing any such Statement of Accounts as aforesaid object to any of the Items, Articles, or Charges contained in any such Account, he, she, or they shall, Twenty Days at least before the then next General Quarter Sessions of the Peace for the County of *Devon*, give Notice to the said Clerk of his, her, or their Intention to appeal, and shall reduce into Writing any Disallowance or Objection, Disallowances or Objections, so made, with the Reason for the same, and sign the same with his, her, or their Name or Names, and immediately thereon deliver the same to the Clerk for the Time being of the said Markets, and shall or may enter and prosecute an Appeal against the same at the next General Quarter Sessions of the Peace in and for the said County of *Devon*, which shall have Power of Adjournment, as is usual in Appeals against Orders of Removal; and the Magistrates for the County of *Devon* aforesaid are hereby authorized and empowered at their said General Quarter Sessions, or at any Adjournment as aforesaid, to hear and determine any such Appeal, and to allow or disallow any of the Charges in the said Account so specified in the said Notice, and the said Magistrates so assembled are to be at liberty to award Costs to either Parties, as they in their Discretion shall think proper; and the Clerk, Treasurer, or other Officer of the said Mayor, Bailiffs, and Commonalty shall give Evidence on the said Appeal, and produce all necessary Books, Papers, and Accounts, if thereunto legally required.

Power to
appeal
against any
Item in the
said Ac-
counts.

IX. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty, and they are hereby empowered, from Time to Time to borrow and take up at Interest, upon the Credit of the Tolls and Duties to be laid and levied by virtue of this Act, such Sum and Sums of Money as they shall think necessary, and by

Power to
borrow
Money.

[Local.]

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Writing

Writing under the Common Seal of the Mayor, Bailiffs, and Commonalty to mortgage or assign over all or any Part of the Tolls and Duties to be levied by this Act, and the Stallage and Market Places, Buildings and Conveniences thereon, or any Part thereof, to the Person or Persons who shall advance such Money, or to his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be framed according to the Form following; and the Charges and Expences of such Mortgages or Assignments shall be from Time to Time defrayed by the said Mayor, Bailiffs, and Commonalty out of the Money so borrowed; and every such Assignment or Mortgage may be in the Words or to the Effect following; that is to say,

Form of
Mortgage.

‘ WE, the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, in
 ‘ pursuance of an Act passed in the Fourth Year of the Reign of King
 ‘ *William*, the Fourth, intituled *An Act, &c.* [*here set forth the Title of this*
 ‘ *Act*], in consideration of the Sum of _____ advanced
 ‘ and lent by _____ of _____ upon
 ‘ the Credit and for the Purposes of the said Act, do hereby grant and
 ‘ assign unto the said _____ [or to his or her Trustee or Trustees,
 ‘ *as the Case may be,*] his [or her or] their Executors, Administrators, or
 ‘ Assigns, such Proportion of the Tolls, Stallage, Rents, and Duties to be
 ‘ laid and collected 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 upon the Credit of the said Act, to be had and holden
 ‘ from this _____ Day of _____ until the said Sum of
 ‘ _____ together with Interest for the same after the Rate of
 ‘ *per Centum per Annum*, shall be fully paid off and discharged. In witness
 ‘ whereof we, the said Mayor, Bailiffs, and Commonalty, have hereunto
 ‘ set our Common Seal, the _____ Day of _____
 ‘ One thousand eight hundred and _____ .’

And all such Mortgages or Assignments shall be numbered, commencing with Number One, and so proceeding in arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act; and the several Persons who shall be entitled to the Money thereby secured shall be equally entitled to their Proportion of the said Tolls, Stallage, Rents, and Duties, according to their respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the purchasing the Lands, and erecting and maintaining the Buildings for the Purpose of the Markets hereby authorized to be made, and other the Purposes of this Act, and to no other Use or Purpose whatsoever.

Power to
transfer
Securities.

X. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, and their respective Executors, Adminis-

Administrators, or Assigns, as the Case may be, at any Time, by Writing under his, her, or their Hands, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be made according to the Form following, or any other Form of Words to the like Purport or Effect, as the Case may be; that is to say,

‘ I of being entitled Form of Transfer.
 ‘ to the Sum of by virtue of an Assignment,
 ‘ bearing Date the Day of under the
 ‘ Common Seal of the Mayor, Bailiffs, and Commonalty of the
 ‘ City of Exeter, acting in execution of an Act passed in the Fourth
 ‘ Year of the Reign of King William the Fourth, intituled *An Act, &c.*
 ‘ [here set forth the Title of this Act], upon the Credit of the Rates, Tolls,
 ‘ Stallage, Rents, and Duties granted or payable by the said Act, do hereby
 ‘ transfer all Right and Title in and to the same Sum of
 ‘ and all Interest and other Money now due and owing thereon, unto
 ‘ his or her Executors, Administrators, and Assigns.
 ‘ Dated the Day of .’

And a Copy of every such Mortgage Security or Assignment which shall have been made in pursuance of this Act shall within Twenty-one Days from the Date thereof, and an Extract or Memorial of every Transfer thereof respectively shall within Twenty-one Days from the Date thereof, respectively be entered in Books to be kept for that Purpose by the Clerk to the said Mayor, Bailiffs, and Commonalty for the Time being, which Extract or Memorial shall signify and contain the Dates and Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all reasonable Times have Access and free Liberty to inspect without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Ten Shillings, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person or Persons to whom the Transfer shall be made, and his, her, or their Executors, Administrators, or Assigns, to all the Benefit of the Security thereby transferred, without any other Registry or Enrolment whatsoever.

XI. And be it further enacted, That all Money which shall be raised by virtue of this Act, and all Monies which shall be received from the Tolls, Stallage, Rents, and Duties hereby authorized to be levied by the said Mayor, Bailiffs, and Commonalty by virtue of this Act, shall be paid and applied by the said Mayor, Bailiffs, and Commonalty, and their Successors, in the first place, in paying and defraying the Charges and Expences which shall have been incurred in or shall be incident to or attending the soliciting, obtaining, and passing of this Act, and of the Interest for the Money which shall have been advanced for defraying such Charges and Expences; and in the next place, in paying the Costs, Charges, and Expences attending the Purchase and Conveyance of such Messuages, Lands, Tenements, Houses, and Hereditaments as shall be necessary for the Purposes aforesaid, and in erecting, building, and completing, repairing, maintaining, and keeping in repair the Market Places and other Buildings and Conveniences herein-before directed to be erected and made, and in carrying the several other Purposes of this Act into full and complete Execution; afterwards in paying the Sum of Money herein-
 before

Application of the Principal Money and Tolls.

before authorized to be retained by the said Mayor, Bailiffs, and Commonalty, and their Successors, in compensation for their present Estate and Property in the said Markets; and then the Interest of all Monies which shall be borrowed by virtue and for the Purposes of this Act; and lastly, in paying the Principal of all Monies due and owing on the Credit of this Act in manner herein-after mentioned, and for no other Use, Intent, or Purpose whatsoever.

Balances exceeding 100*l.* to be applied in Reduction of the Debt.

XII. And be it further enacted, That if at the End of any One Year, to be computed from the opening of the said Market Places, and at the Time herein-before mentioned for making up the Accounts, the Balance in the Treasurer's Hands shall amount to the Sum of One hundred Pounds or more after such Payments shall have been made as aforesaid, then and in such Case such Balance and Sum of Money (except any Sum less than One hundred Pounds) shall be by the said Mayor, Bailiffs, and Commonalty applied in reducing, paying off, and discharging the Principal Sum which shall have been borrowed as aforesaid, in the Manner herein-after mentioned.

Money to be paid off, and how.

XIII. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty, and their Successors, shall from and after the Expiration of the first Two Years after the said Market Places shall be opened, and they are hereby required, to apply in paying off and discharging the Principal Monies borrowed on the Credit of this Act, together with the Interest that may be due thereon, such net Balance or Sum of Money as may be then in their Hands (except any less Sum than One hundred Pounds), and so thereafter, yearly and every Year, any future Balance or Sum of Money (except any less Sum than One hundred Pounds) as on the Statement of the Account so as aforesaid directed to be made and published shall appear to be the net Balance over and above all Payments, Disbursements, and Allowances, and shall for that Purpose cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced as aforesaid to be written on distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, or as near as may be, and put into a Box, and the Number or Numbers of the said Assignments or Securities to the Amount then intended to be paid off shall be drawn separately out of the said Box by such Person as shall be deputed by the said Mayor, Bailiffs, and Commonalty, or their Successors, for that Purpose; and after every such Ballot the said Mayor, Bailiffs, and Commonalty, or their Successors, shall cause a Notice, signed by the Clerk for the Time being to be appointed by this Act, to be given to or left at or sent by Post to the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and if the Place or Places of Abode of such Person or Persons shall not be known or cannot be found, then the said Clerk shall cause an Advertisement, addressed to the Person or Persons who shall be so entitled as aforesaid, to be inserted in One of the Newspapers published in the City of *Exeter*, in Three successive Weeks, which Notice or Advertisement shall state the Intention of the Mayor, Bailiffs, and Commonalty to pay him or her as aforesaid, and express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on

a Day and at a Place specified in such Notice, such Day not being sooner than Six Calendar Months next after the Day of giving or leaving such Notice, or after the Third Day of inserting the same as aforesaid; and the Interest of the Principal Money to be so paid off shall from and after the Day so specified cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice or Advertisement, and shall not be paid; but the Principal Money in respect whereof such Notice or Advertisement shall be given or inserted, and also the Interest thereof to the Day so specified, shall nevertheless be payable at any future Time, on Demand, to the Person entitled to receive the same.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby authorized and empowered, from Time to Time, if they shall see Occasion or think fit, to reduce, lower, and abate the said Tolls, Duties, Rents, and Stallage, or any of them, by this Act made payable, in such Proportions and Manner as to the said Mayor, Bailiffs, and Commonalty shall seem expedient; and after the same shall have been so reduced and abated it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby authorized and empowered, from Time to Time to augment and raise the said Tolls, Duties, Rents, and Stallage so reduced and abated to any Sums not exceeding the Amount thereof fixed and made payable in and by this Act; and the said Mayor, Bailiffs, and Commonalty shall immediately upon every such Reduction or Augmentation of the said Tolls, Duties, Rents, and Stallage, cause Notice thereof, painted on a Board, to be set up and fixed upon some public Part within the Limits of the said Markets, with a Table of the Tolls, Duties, Rents, and Stallage so reduced or augmented and raised.

XV. And be it further enacted, That when and so soon as all the Principal Monies so to be borrowed as aforesaid shall have been paid off and discharged, then the Tolls, Duties, and Sums of Money specified in the Schedules to this Act shall be immediately and so from Time to Time lowered, reduced, and abated, and levied and collected, according to such a Rate as shall be sufficient to pay, discharge, and provide for all the necessary Outgoings, Repairs, Disbursements, Expences, and Allowances herein mentioned, and to secure to the said Mayor, Bailiffs, and Commonalty, and their Successors, the clear annual Sum of One thousand three hundred Pounds, as a Compensation for the Rents, Tolls, and Duties of the then existing Markets: Provided always, that the said Tolls and Duties shall not be lowered, reduced, or abated below the several Sums which are now usually collected or taken within the present existing Markets, or which are now payable in respect of the same to the said Mayor, Bailiffs, and Commonalty; and when such Tolls shall be reduced to their present Rate of Collection all and every the Sums which shall or may arise from such reduced Rate of Tolls shall then and from thenceforth, after providing for such Repairs, Disbursements, and Expences, and for the said annual Sum of One thousand three hundred Pounds, revert to and be received by the said Mayor, Bailiffs, and Commonalty, and their Successors.

XVI. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, and they are hereby authorized and empowered, to purchase and take the several

[Local.]

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Messages,

Power to
alter Tolls.

When whole
Debt is paid,
Tolls to be
immediately
reduced.

Power to
purchase
Lands.

Messuages, Tenements, Dwelling Houses, Buildings, Gardens, Lands, Tenements, and Hereditaments within the County of the said City of *Exeter* mentioned and specified in the First and Second Schedules to this Act annexed, or so many or such Part or Parts thereof as they the said Mayor, Bailiffs, and Commonalty shall think right and proper to be taken and used for the Purposes of this Act, without incurring any of the Penalties and Forfeitures of the Statutes of Mortmain.

Property of Mayor, Bailiffs, and Commonalty to be valued by a Jury.

XVII. Provided also, and be it further enacted, That if any Lands, Messuages, Tenements, Dwelling Houses, or Buildings belonging to the said Mayor, Bailiffs, and Commonalty shall be required for the Purposes of this Act, the Value of or Recompence to be made to them for the same shall first be inquired into and ascertained by a Jury of Twelve indifferent Men of the City and County of the City of *Exeter*, such Jury to be summoned in the Manner herein mentioned for ascertaining the Value of Property of other Persons; and the Determination of such Jury as to the Value of any of the Lands, Dwelling Houses, and Buildings belonging to the said Mayor, Bailiffs, and Commonalty, and which may be required for the Purposes of this Act, shall be final and conclusive upon them; and their Lands, Dwelling Houses, and Buildings required for the Purposes of this Act shall be paid to or retained by them according to the Amount of the Value thereof, to be determined by such Jury as aforesaid; and the said Mayor, Bailiffs, and Commonalty are then and after such Determination of the said Jury authorized to retain the Sum so determined by the said Jury as the Value of any such Property out of the Monies to be raised for the Purposes of this Act, any thing herein-before contained to the contrary notwithstanding.

Errors in the Schedules not to prevent the Purchase.

XVIII. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned in the First and Second Schedules to this Act annexed, or any of the Persons, or Body or Bodies Politic or Corporate, in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold or assessed and valued by a Jury, and conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same were more properly and correctly named and described, provided it shall be made to appear to any Two Justices of the Peace for the City of *Exeter* aforesaid, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Messuages, Buildings, Lands, Tenements, or Hereditaments had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Incapacitated Persons empowered to sell and convey.

XIX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and all Trustees whatsoever, Executors and Administrators, not only for and on behalf of themselves and their respective Heirs and Successors, but

but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femēs Covert, and Wards and other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right or otherwise howsoever, and for all and every other Person or Persons whomsoever who now are or shall at any Time or Times hereafter be seised or possessed of or in any way interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments which the said Mayor, Bailiffs, and Commonalty are enabled to take or purchase for the Purposes of this Act, or any of them, and they are hereby required, to contract and agree with the said Mayor, Bailiffs, and Commonalty for the absolute Sale thereof, or any Part or Parts thereof, and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, and to sell and convey the same unto the said Mayor, Bailiffs, and Commonalty, for the Purposes aforesaid; and all Contracts, Bargains, Sales, Conveyances, and other Assurances which shall be made by virtue and in pursuance of the Provisions of this Act shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Persons so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates, and the same shall be considered and deemed to bar and shall bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life, Fee Simple or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, Executors and Administrators, and all other Persons whomsoever, are and shall and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

XX. And be it further enacted, That all Sales, Conveyances, and Assurances to be from Time to Time made to the said Mayor, Bailiffs, and Commonalty of any Messuages, Buildings, Lands, Tenements, or Hereditaments by virtue of this Act may be made in the following Form, or to the Effect following (that is to say), or as near thereto as the Circumstances of the Case will admit:

Form of Conveyance.

‘ I [or We] in consideration of the Sum
‘ to me [or us] paid by the Mayor, Bailiffs,
‘ and Commonalty, for carrying into execution an Act passed in
‘ the Fourth Year of the Reign of King *William* the Fourth, intituled
‘ [here set forth the Title of this Act], do hereby grant and convey to
‘ the said Mayor, Bailiffs, and Commonalty all [describe the Premises],
‘ and all my [or our] Right, Title, and Interest to and in the same
‘ and every Part thereof, to hold to the said Mayor, Bailiffs, and Com-
‘ monalty

‘ monalty for ever. In witness whereof I [*or we*] have hereunto set my
 ‘ Hand and Seal [*or our Hand and Seals*] this Day
 ‘ of in the Year of our Lord .’

And every such Sale, Conveyance, and Assurance so made shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Buildings, Lands, Tenements, and Hereditaments in the said Mayor, Bailiffs, and Commonalty for the Uses and Purposes of this Act, any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

If Proprietors refuse to sell, Jury to be summoned to assess the Value, &c.

XXI. Provided always, and be it further enacted, That if any Bodies Politic or Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, Tenants for Life or in Tail, Trustees, Feoffees, Guardians, Committees, Executors, or Administrators, or any other Person or Persons whomsoever, Proprietors or Owners of or interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned in the First and Second Schedules to this Act annexed, or any Occupier or Occupiers of any Messuages, Buildings, or Tenements, or other such Premises, sustaining any Loss, Injury, or Damages, shall for the Space of Ten Days next after Notice in Writing from the said Mayor, Bailiffs, and Commonalty, signed by the Clerk or Clerks for the Time being of the said Mayor, Bailiffs, and Commonalty, shall have been to him or them given, or left at the Dwelling House or Houses or usual or last Place or Places of Abode of him, her, or them, or of the principal or head Officer or Officers of such Bodies Politic or Corporate, or Corporations, or of the House or Houses of the Tenant or Tenants in possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments intended to be purchased and taken for the Purposes of this Act, purporting that such Messuages, Buildings, Lands, Tenements, or Hereditaments are required for the Purposes of this Act, neglect or refuse to treat and agree or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in possession of, or the Interest they claim therein, to the Satisfaction of the said Mayor, Bailiffs, and Commonalty, then and in every such Case the said Mayor, Bailiffs, and Commonalty shall cause the Value and Recompence to be made for such Messuages, Buildings, Lands, Tenements, or Hereditaments to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said City and County of *Exeter*; and for the summoning and returning such Jury the said Mayor, Bailiffs, and Commonalty are hereby empowered from Time to Time to issue their Warrant or Warrants to the Sheriff of the said City and County, thereby commanding and requiring them or him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at the Sessions of the said City and County, and who are respectively seised or possessed of Freehold, Copyhold, or Leasehold Estates within the said City or County of the annual Value of Ten Pounds, to appear before the said Sheriff at such Time as in such Warrant or Warrants shall be appointed at the Guildhall within the said City of *Exeter*; and the said Sheriff is hereby required to impanel, summon, and return such Number accordingly to attend at the Time and Place so appointed; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons,

Summons, the said Sheriff is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in default of such a Number of Jurymen appearing, the said Sheriff shall return other Twelve honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby required and empowered from Time to Time, as Occasion shall be or require, to summon and call before the said Jury and examine upon Oath (which Oath the said Sheriff is hereby empowered to administer) all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall also order and cause the said Jury, or any Three or more of them, to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their or his own as for the said Jury's better Information in the Premises, as the said Sheriff shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the Messuages, Buildings, Lands, Tenements, or Hereditaments to the respective Owner or Owners and Occupier or Occupiers thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such Damages and Recompence, and given in their Verdict, the said Sheriff shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid for the said Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Interest therein, according to such Verdict or Inquisition of the said Jury.

XXII. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Tenants for Life, Tenants in Tail, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, Remainder, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and other Persons in anywise interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, in, to, or out of the same; and on Payment or legal Tender of the Money so assessed to the respective Persons entitled thereto or their Agents, or upon paying the same into the Bank of *England* within the Time and in manner by this Act directed, it shall and may be lawful to and for the said Sheriff to cause the Possession of the Premises in respect whereof such Money shall be assessed and paid to be delivered to the said Mayor, Bailiffs, and Commonalty, and thereupon the Premises shall absolutely vest in the said Mayor, Bailiffs, and Commonalty, and they shall be and be deemed to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon as aforesaid shall be transmitted to and be fairly entered and kept amongst the Records of the Quarter Sessions of the said City, and the same, or true Copies thereof, shall be admitted,

Verdict of
Jury to be
final.

[Local.]

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received,

received, and taken in Evidence and Proofs in all Courts of Law or Equity, and all Places whatsoever; and all Persons shall have recourse to them at all reasonable Times *gratis*, and may take Copies thereof *gratis*, and may, if they think proper, order Copies thereof to be made, paying Sixpence for every One hundred Words, and so in proportion for any less Number of Words to be copied.

Penalty on Persons summoned not appearing or refusing to be sworn on Jury.

XXIII. And be it further enacted, That the said Sheriff acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or, being sworn, shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any Person or Persons who, being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn or give Evidence, so as such Fine to be imposed on any Juryman or Witness shall not exceed the Sum of Ten Pounds for One Offence.

Costs of Jury, by whom to be borne.

XXIV. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons, Bodies Politic or Corporate, in or to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for any such Damage or Injury as aforesaid, than shall have been offered or tendered by the said Mayor, Bailiffs, and Commonalty before the summoning or returning of such Jury, then the Costs and Expences of such Notice or Notices, Precept or Precepts, and of summoning and returning such Jury and Witnesses, and also of the said Inquest (such Costs and Expences to be settled and allowed by any Justice of the Peace for the said City and County not interested therein), shall be borne and paid by the said Mayor, Bailiffs, and Commonalty out of the Money arising by virtue of this Act, and shall and may be recovered by the Person or Persons entitled thereto by Distress and Sale of the Goods and Chattels of the said Mayor, Bailiffs, and Commonalty, or of their Treasurer, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said City, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if any such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money as a Recompence or Satisfaction as aforesaid than shall have been offered or tendered as aforesaid by the said Mayor, Bailiffs, and Commonalty before the summoning or returning of the said Jury or Juries as aforesaid, then one Moiety of the Costs and Expences aforesaid shall be borne and paid by the Person or Persons, Bodies Politic or Corporate, with whom the said Mayor, Bailiffs, and Commonalty shall have had any Controversy or Dispute, and shall be recovered in the same Manner as any Penalties or

Forfeitures

Forfeitures are herein-after directed to be recovered, and the other Moiety thereof shall be borne and paid by the said Mayor, Bailiffs, and Commonalty out of the Money arising as aforesaid, and be recovered by Distress and Sale in manner aforesaid; but in Cases where Parties by reason of Absence or Disability shall have been prevented from treating and agreeing, such Costs and Expences shall be borne and paid by the said Mayor, Bailiffs, and Commonalty out of the Money arising by virtue of this Act, and be recovered by Distress and Sale in manner aforesaid.

XXV. And be it further enacted, That every Lessee, or Tenant for Years, or from Year to Year, or at Will, Mortgagee, and every other Person in possession of any Messuages, Buildings, Lands, Tenements, or other Hereditaments which shall be purchased or taken by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Mayor, Bailiffs, and Commonalty, upon having Three Calendar Months Notice from the Clerk or Clerks for the Time being to be appointed in pursuance of this Act, on behalf of the said Mayor, Bailiffs, and Commonalty, to quit the same at such Time or Times as shall be required by such Notice, they the said Mayor, Bailiffs, and Commonalty making such Satisfaction and Compensation to every such Tenant, Lessee, or other Person aforesaid (except a Mortgagee), in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term or Interest in the Premises, as the said Mayor, Bailiffs, and Commonalty, and such Lessee, Tenant, or other Person, shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be ascertained and settled by a Jury in such and the like Manner as the Satisfaction and Compensation to be made by the said Mayor, Bailiffs, and Commonalty for the Purchase of any Messuages, Buildings, Lands, Tenements, or other Hereditaments, is and are herein directed to be ascertained and settled in case of any Dispute or Difference about the same; and such Lessee, Tenant, or other Person aforesaid in possession shall, at such Time or Times as he, she, or they shall be required by the said Mayor, Bailiffs, and Commonalty, peaceably and quietly deliver up the Possession of the said Premises to the said Mayor, Bailiffs, and Commonalty; and if any such Lessee, Tenant, or other Person aforesaid so in possession as aforesaid shall refuse or neglect to deliver up such Possession as aforesaid, then and in every such Case it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty to issue their Precept or Precepts to the Sheriff of the said City of *Exeter* and County of the same to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs and Charges as shall accrue from the issuing or Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid by Distress and Sale of his, her, or their Chattels.

Tenants to give up Possession upon Three Months Notice.

XXVI. And be it further enacted; That all and every Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall have any Mortgage or Mortgages on any Messuages, Buildings, Lands, Tenements, or Hereditaments to be required for the Purposes of this Act (not being in possession of the said Premises by virtue of such Mortgage or Mortgages),

Mortgagees not in possession to assign to Mayor, Bailiffs, and Commonalty.

gages), shall, on Tender of the Mortgage Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the Principal Money, by the Clerk or Clerks for the Time being to be appointed in pursuance of this Act, on behalf of the said Mayor, Bailiffs, and Commonalty, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Mayor, Bailiffs, and Commonalty; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the Clerk or Clerks for the Time being to be appointed in pursuance of this Act that the said Mayor, Bailiffs, and Commonalty will, out of the Money arising by virtue of this Act, pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, then, on Payment of the Principal and Interest so due on such Mortgage or Mortgages according to such Notice, such Mortgagee or Mortgagees shall convey, assign, and transfer the said Mortgage or Mortgages, and his or their Interest in the Premises, to the said Mayor, Bailiffs, and Commonalty; but in case such Mortgagee or Mortgagees shall refuse to convey or assign on such Tender or Payment as aforesaid, then all Interest on such Mortgage shall, from the Time of such Tender or Expiration of such Notice, cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said Mayor, Bailiffs, and Commonalty shall not be liable out of the Monies arising by virtue of this Act to pay the Mortgagee or Mortgagees any more than the real Value of such Premises, which Value, in case the Parties cannot agree upon the same, shall be ascertained and settled by a Jury in like Manner as other Values are by this Act directed to be ascertained and settled.

Compensation to be made for Damage done in pulling down Houses, &c.

XXVII. And be it further enacted, That in case any Messuages or Buildings, Lands, Tenements, or Hereditaments shall be damaged or injured by or in the taking down of any of the Messuages or Buildings to be taken down for the Purposes of or otherwise in the Execution of this Act, the said Mayor, Bailiffs, and Commonalty shall and they are hereby authorized and required, by and out of the Money to arise by virtue of this Act, to make to the Owners and Occupiers of such Messuages and Buildings, Lands, Tenements, and Hereditaments so damaged or injured such Compensation and Satisfaction for such Damage or Injury as the said Mayor, Bailiffs, and Commonalty shall in their Judgment think reasonable, by Payment of a Sum of Money in gross; and in case the Owners or Occupiers shall think the Satisfaction offered to them by the said Mayor, Bailiffs, and Commonalty not sufficient, then the same shall be ascertained and settled by a Jury in manner herein provided for ascertaining the Value of the Messuages, Lands, and Hereditaments to be purchased, taken, or required for the Purposes of this Act.

For taking possession of Messuages, &c. on Payment or Tender of Purchase Money agreed upon or assessed.

XXVIII. And be it further enacted, That upon Payment or legal Tender by the said Mayor, Bailiffs, and Commonalty of the Purchase Money agreed upon or assessed by such Jury as aforesaid for any of the Messuages, Buildings, Lands, Tenements, or Hereditaments authorized to be taken and purchased for the Purposes of this Act, to the Owner or Owners thereof, or to such other Person or Persons as shall be interested therein,

therein, or entitled to receive such Money, or into the Bank of *England* in the several Cases herein referred to, within Two Calendar Months after such Purchase Money shall have been so agreed upon or assessed as aforesaid, it shall be lawful for the said Mayor, Bailiffs, and Commonalty to enter into and upon the Messuages, Buildings, Lands, Tenements, and Hereditaments whereof the Purchase Money shall be so paid or tendered, and thereupon the same shall thenceforth be vested in the said Mayor, Bailiffs, and Commonalty for the Purposes of this Act; and every such Payment or Tender shall bar all Estates, Rights, Titles, and Interest of all Persons whomsoever therein: Provided nevertheless, that before such Payment or Tender shall be made it shall not be lawful for the said Mayor, Bailiffs, and Commonalty, or any Persons acting by their Authority, to enter in or upon any Messuages, Buildings, Lands, Tenements, or Hereditaments authorized to be taken and purchased for the Purposes of this Act without the Consent of the Owner or Owners thereof, and other the Person or Persons interested therein or entitled thereto, or any Estate therein.

XXIX. And whereas some Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act may happen to be more than will be necessary or wanted for such Purposes; be it therefore further enacted, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty, and they hereby required, authorized, and empowered, to sell and dispose of and convey, or cause to be sold and disposed of and conveyed, such Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be vested in the said Mayor, Bailiffs, and Commonalty by virtue or in pursuance of this Act, to any Person or Persons willing to contract or agree for or purchase the same; and the Money arising therefrom shall be paid and applied for the Purposes of this Act; but the Purchaser or Purchasers of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, shall not, after paying his, her, or their Purchase Money or Purchase Monies, be liable to see to the Application thereof, or be in anywise answerable for the Misapplication or Nonapplication thereof or of any Part thereof.

Power to sell Premises not wanted for the Purposes of this Act.

XXX. Provided always, and be it further enacted, That the said Mayor, Bailiffs, and Commonalty, before they shall sell and dispose of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such Messuages, Buildings, Lands, Tenements, or Hereditaments; and in case such Person or Persons shall not then and thereupon agree or shall refuse to repurchase the same, then and in every such Case an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One or more of His Majesty's Justices of the Peace for the City of *Exeter* aforesaid, by some Person or Persons no way interested in the said Messuages, Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Mayor, Bailiffs, and Commonalty, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or was refused by the Person or Persons to whom it was made, as the Case may

Persons from whom Lands have been purchased to have the first Offer.

[*Local.*]

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be; and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Mayor, Bailiffs, and Commonalty shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be taken and used by the said Mayor, Bailiffs, and Commonalty in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made by the said Mayor, Bailiffs, and Commonalty, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Pieces of Ground as aforesaid shall be applied by the said Mayor, Bailiffs, and Commonalty to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication thereof.

Compensation Money exceeding 200*l.* belonging to Persons incapacitated how to be applied.

1 G. 4. c. 85.

XXXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, 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 or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Committees, or any Feme Covert, Infant, Lunatic, Idiot, Cestuique Trust, or any Person or Persons whomsoever whose Messuages, Buildings, Lands, Tenements, and Hereditaments are limited in strict or other Settlement, or any Person or Persons under any 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 Court of Exchequer, to be placed to his Account *ex-parte* the said Mayor, Bailiffs, and Commonalty, pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, in the Purchase and Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Messuages, Buildings, Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same may be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, 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 Messuages, 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

Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 Messuages, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments 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 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 Messuages, 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 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 said Court of Exchequer, to 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, Bailiffs, and Commonalty for carrying this Act into execution, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

If less than
200*l.* and
exceeding
20*l.*

XXXIII. And be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed 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 Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Mayor, Bailiffs, and Commonalty shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively as aforesaid.

If not ex-
ceeding 20*l.*

XXXIV. And be it further enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to

If Titles can-
not be made,
or Persons
to

found, &c.
Money to be
paid into the
Bank.

to be paid or awarded for the Purchase of any of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Mayor, Bailiffs, and Commonalty, or in case such Person or Persons to whom such Sum or Sums of Money shall be agreed to be paid or awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Mayor, Bailiffs, and Commonalty to order the said Sum or Sums of Money so agreed to be paid or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties, or to the unknown Persons (as the Case may be), interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments, subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, 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 such Sum or Sums of Money into the said Bank as aforesaid.

Persons in
possession
presump-
tively en-
titled.

XXXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands, to be taken or used in pursuance of this Act for the Purposes aforesaid, or for Compensation or Satisfaction as aforesaid, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in possession or receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to some Part of such Lands, or to some Estate or Interest therein;

and the said Court shall have full Power to direct the Payment of the said Annuities and Securities, and the Interest and Dividends thereof, unto the Person or Persons who shall be proved to be entitled to the same.

XXXVI. And be it further enacted, That from Time to Time, when and so soon as the said new Market Places shall be built, appropriated, and set apart, and ready to be opened for public Use, the said Mayor, Bailiffs, and Commonalty shall and they are hereby required, by printed Handbills or Advertisements, signed by the Clerk for the Time being acting in pursuance of this Act, to be circulated in the City and Neighbourhood of the said City, of such Market Places having been so built, appropriated, and set apart, and ready to be open for public Use, to give One Calendar Month's Notice previous to the Day in which such Market Places shall be respectively opened, and to publish the same in One of the Newspapers at least printed and published in the said City.

When Market Places completed, Notice to be given.

XXXVII. And be it further enacted, That from Time to Time and at all Times after such Notice shall have been published it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty to hold and keep the Markets for supplying the Inhabitants of the said City and Neighbourhood with Meat, Corn, Fish, Poultry, Eggs, Butter, Vegetables, Fruit, and other Provisions, and for buying and selling all or any such Goods and Wares as aforesaid, under and subject to such Rules and Regulations as are in and by this Act authorized to be made and established, and also, by themselves and their Collectors or Servants, to ask, demand, recover, receive, and take of and from all and every Person and Persons exposing or offering for Sale or selling any sort of Provisions, Corn, Grain, Wool, and Leather, Goods or Wares in the Markets aforesaid, or who shall rent, hire, or use any Stall or Standing Place in the said Markets, the several Rents, Stallage, and Sum or Sums of Money which shall at any Time or from Time to Time be fixed and appointed by the said Mayor, Bailiffs, and Commonalty to be paid for the same, not exceeding the several Rents, Stallage, or Sum or Sums of Money mentioned and specified in the Third Schedule to this Act annexed; and such Markets shall be free and open Markets for all Persons whomsoever, subject to the Regulations and Restrictions herein contained.

Power to hold Markets in new Market Places, and to take Tolls.

XXXVIII. And be it further enacted, That from and after such Time as the said Market Places shall have been built and completed by the said Mayor, Bailiffs, and Commonalty, or their Successors, and opened for public Use, the Market now held in the *High* or *Fore Street*, and the Pork Market in *Goldsmith Street*, and the Corn, Oat, and Grain Markets, shall, from the Expiration of One Calendar Month from the Time of such Notice as aforesaid, be removed to and holden in the said new Market Places; and if any Person or Persons shall thereafter on any succeeding Market Days or any other Day sell or expose to Sale within the said City and County, except in the said Market Places, any Meat, Butter, Poultry, Eggs, Garden Stuff, Potatoes, Roots, or Vegetables, or any Fish, and such as are hereby specifically appropriated to each Market, at any Time within the said City and County, except as herein-after mentioned, every Person so offending shall for each and every such Offence, on Conviction before One or more Justice or Justices of the Peace for the said City and County, forfeit and pay any Sum not exceeding Forty Shillings: Provided nevertheless, that nothing herein contained shall extend or be

Discontinuing present Market when new Market Places shall have been completed.

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construed to 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 or Premises, in any Part of the said City and County, in such Manner as they may now lawfully do, or to restrain or prohibit any Person or Persons from crying Fish, Vegetables, or other Articles through the said City, or from selling the same from Door to Door within the said City and County; provided such Fish, Vegetables, or other Articles shall have paid the regular Market Tolls or Duties authorized to be taken, and mentioned in the Third Schedule to this Act annexed.

Mode of proceeding against Persons neglecting or refusing to pay the Tolls.

XXXIX. And be it further enacted, That in case any Person or Persons holding or using or in any Manner occupying any of the said Buildings, Sheds, Stalls, Standings, Bulks, Tressels, Blocks, or other Conveniences in the said Market Place or Market Places, or who shall bring, place, or expose for Sale within any Part of the said Markets any Butchers Meat, or any other Goods, Articles, or Things whatsoever for or in respect of which any Toll or Stallage may be demanded or taken thereon, shall, upon Demand thereof made by the Collector, Farmer, or other Person authorized to receive the said several Sums, Tolls, or Stallage, neglect or refuse to pay or shall wilfully evade the Payment of the several Sums or Tolls or Stallage due in respect thereof by virtue of this Act, or in case any Dispute shall happen about the Amount of the Tolls or Stallage due, it shall be lawful for the said Collector, Farmer, or other Person or Persons authorized and appointed to collect and receive the said Sums, Tolls, and Stallage, either by himself or his Assistants, to seize and detain such Article, Matter, or Thing until the Amount of the Tolls and Stallage due, and the Charges of keeping such Article, Matter, or Thing, shall be ascertained by any One Justice of the Peace for the said City and County, not being a Creditor upon the Security of the said Tolls, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls and Stallage due, and the Charges of keeping the same, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Tolls and Stallage, Costs and Charges, shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be distrained and sold.

List of Tolls to be affixed in conspicuous Places.

XL. Provided always, and be it further enacted, That the said Mayor, Bailiffs, and Commonalty shall from Time to Time cause to be painted on Boards, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, upon a conspicuous Place or conspicuous Places in the said Market Places, in large and legible Characters, an Account or List of the several Tolls, Duties, Rents, and Stallage which the said Mayor, Bailiffs, and Commonalty shall from Time to Time direct and appoint to be taken, and of the Price or Prices, Sum and Sums of Money, so allowed to be taken from every Person liable to the Payment of the same, or any Part thereof respectively.

XLI. And

XXI. And be it further enacted and declared, That the Person or Persons appointed by the said Mayor, Bailiffs, and Commonalty, or their Successors, as Inspector or Inspectors of Provisions and of Weights and Measures in the said Market or Markets, shall and may and is and are hereby authorized and required to seize and publicly to destroy all unwholesome Meat which shall be brought into or offered for Sale in the said Market or Markets; and any Person offending in this Case shall forfeit and pay any Sum not exceeding Five Pounds.

Power to seize and destroy all unwholesome Meat.

XLII. And be it further enacted, That no Person or Persons who shall rent any of the Stalls or Standings in the said Higher Market shall sell or cause to be sold or to be exposed for Sale therein any manufactured Article of any Kind whatsoever, save and except on *Tuesdays* and *Fridays* in every Week, being the Two Market Days now appointed, or such other Two Days as the said Mayor, Bailiffs, and Commonalty, or their Successors, shall hereafter think fit to appoint; and if any Person or Persons shall offend or act contrary hereto, such Person and Persons shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

No manufactured Goods, &c. to be sold within the Market but on certain Days.

XLIII. And be it further enacted, That no Person or Persons shall keep or use any Stall, Standing, or Shamble fronting to or in the *High* or *Fore Street* in the said City or County for the Purpose of selling or exposing to Sale any Butchers Meat: Provided always, that this Act shall not extend to prevent any Butcher from exposing to Sale any Meat in a Dwelling House used for the Purpose; and if any Person or Persons shall offend in any of the Cases aforesaid, such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Butchers not to use any Stall in the High Street or Fore Street.

XLIV. And be it further enacted, That nothing in this Act contained shall extend to prevent any Butcher from taking and renting by the Year, or any shorter Period, any Stall or Standing to be appropriated as Shambles within the said intended Lower Market, or from occupying the same and exposing Meat for Sale on every Day in the Week (*Sundays* excepted); and it shall be lawful for such Butcher so to do within such Hours as the said Market shall be allowed to be opened, as herein-after mentioned.

Butchers may use the Market every Day in the Week.

XLV. And be it further enacted, That the said Market Place and Market Places and the Entrances thereto shall be opened and closed at such convenient Hours as shall be directed and notified by the said Mayor, Bailiffs, and Commonalty by public Advertisement.

Hours of opening and shutting the Markets to be notified.

XLVI. And be it further enacted, That if any Person or Persons shall sell or expose for Sale in the said Lower or Higher Markets, or in either of the said several Markets, any Meat, Goods, Provisions, Articles, and Things, other than what is herein-before mentioned to be appropriated for Sale in each such Market, and authorized to be exposed for Sale at the Time and according to the Provisions of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on selling other Things than those appropriated to each Market.

XLVII. Provided always, and be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty to permit and suffer the

Sale of Vegetables in the Lower Market.

the Sale of Vegetables and Fruit in some such Part or Portion of the said Lower Market, at such Days and Times other than the Two General Market Days of *Tuesday* and *Friday*, and under such Regulations, as the said Mayor, Bailiffs, and Commonalty shall make for that Purpose, any thing herein contained to the contrary notwithstanding.

No Goods to be sold by Auction in the public Streets except on Fair Days.

XLVIII. Provided always, and be it further enacted, That if any Person or Persons shall sell or cause to be sold, by Auction or public Sale, any Goods, Articles, or Things whatsoever in the public Streets, or in any of the said Markets, save and except on the usual Fair Days to be held within the said City and County, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to let Stands, Stalls, &c.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty, and their Successors, and they are hereby authorized and empowered, to let any of the Stands, Stalls, Shambles, Benches, or other Conveniences to be erected, built, made, or set up by them the said Mayor, Bailiffs, and Commonalty, or their Successors, within the said Market Places or either of them, to any Person or Persons who shall or may be willing or desirous of taking the same by the Year, Half Year, or Quarter of a Year, or any shorter Period, the Rent for the same to be payable in advance; provided that the Tolls and Rent so to be taken shall not in any Case exceed the Sums specified in the Schedule to this Act annexed.

Power to demise or let the Market Places and the Tolls of the Market.

L. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, from Time to Time to demise or let the said Market Places, and the Whole or any Part of the Rents, Tolls, Duties, Stallage, Sum or Sums of Money to be collected or to arise from or in respect of the said Markets by virtue of this Act, to any Person or Persons who shall be willing to take or farm the same, either by public Auction, or private Contract after such public Auction, for any Period less than a Year, or any longer Period, not exceeding Three Years at any One Letting, upon such Terms and Conditions, at such Rent or Rents, and with such Securities for the Payment thereof, as shall be agreed upon and settled for by and between the said Mayor, Bailiffs, and Commonalty, and their Successors, and the Person or Persons respectively to whom the same shall be made.

Both Markets to be opened as near as possible at the same Time.

LI. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty shall and they are hereby required to open both the said Markets at one and the same Period, and make the same fit and convenient for the Sale of the different Articles to be exposed therein respectively, as near to one and the same Period as the Circumstances of the Case will admit.

Power to erect a Weighing House, &c.

LII. And be it further enacted, That it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, to erect and appoint a public Weighing House or Place in or near the said Market or Markets for weighing such Meat, Goods, Articles, and Things as shall be bought or sold by Weight therein, in case the Buyer or Buyers thereof shall desire the same; and they are hereby required to keep good, proper, and sufficient (according to the respective Standards in the Exchequer at

Westminster) Weights, Scales, and Measures at the said Weighing House or Place, and to appoint the Clerk or Inspector of the said Market or Markets, or any other proper Person or Persons, to attend the same on every Market Day at such Time or Times as in the Rules, Orders, or Bye Laws to be made by virtue of this Act shall from Time to Time be directed; and all and every Person and Persons selling Meat, or other Provisions or Things, by Weight or Measure in the said Market or Markets, shall weigh and measure the same in or by the same Weights, Measures, or Scales as aforesaid, if required so to do by the Buyer or Buyers thereof; and in order to defray the Expences of providing the Weights, Scales, and Measures as aforesaid, and a proper Person or Persons to attend the same as aforesaid, there shall be paid by the Buyer or Buyers of such Meat, or other Provisions or Things, to the Clerk or Inspector of the said Market or Markets, or other Person or Persons appointed to weigh the same as aforesaid, the Sums of Money mentioned in respect of the said Weighing House as are specified in the Fourth Schedule to this Act annexed.

LIII. And be it further enacted, That all Potatoes sold in the said Markets shall be sold by Weight and not by Measure, and any Vendor of Potatoes who shall refuse to weigh and to sell by Weight any such Potatoes shall forfeit and pay Five Shillings for every such Refusal.

Potatoes to be sold by Weight.

LIV. And be it further enacted, That if any Seller of Meat, Fish, or other Provisions, or any Seller or Dealer in other Goods, Articles, or Things, in the said Market or Markets, shall refuse or neglect to weigh or measure, being so required by the Buyer or Buyers thereof, and with the said public Scales, Weights, or Measures as aforesaid, or if the Buyer or Buyers of any Meat, Fish, or other Provisions which shall be so weighed or measured as aforesaid shall refuse or neglect to pay the Toll for the same respectively at the Rate mentioned in the Fourth Schedule to this Act annexed, the Person or Persons so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect a Sum not exceeding Ten Shillings; and the said Tolls, Sums of Money, and Penalties shall and may be recovered by Distress and Sale of the Meat, Fish, or other Provisions, Goods, Articles, and Things of the Person or Persons so refusing or neglecting to weigh or measure the same, or of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the said Tolls as aforesaid, in like Manner as herein-before directed concerning the Recovery of Tolls to be paid in respect of the said Markets.

Penalty on Persons neglecting to weigh or measure, or refusing to pay the Toll.

LV. And be it further enacted, That it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby authorized and empowered, from Time to Time to make and establish such Bye Laws, Rules, Orders, and Regulations as to them shall seem meet, as well for preventing Horses and Carriages from passing through the several Market Places within the said City and County of the same, as for fixing and appointing proper Places for the loading and unloading of Horses, Waggon, Carts, and Carriages, and for the standing of such Horses, Waggon, Carts, and Carriages after being unladen at the said Markets, and what Portions of the said Market Places within the said City and County shall be used for the exposing to Sale the different Kinds of

Power to make Bye Laws, and Regulations for Markets

[Local.]

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Provisions,

Provisions, Wares, Goods, and Articles appropriated and brought for Sale to the said Markets; and also for regulating the setting out and fitting up and Removal of the Sheds, Stalls, Standings, Blocks, Trestles, and other Articles used to place such Provisions, Wares, and Goods upon during the Time of the said Markets; and also for inspecting the Sort and Qualities of all Flesh Meat brought to the said Markets, and for weighing and ascertaining the Weight and Measure of all Corn, Provisions, and other Articles sold by Weight or Measure in the said Markets, and for ascertaining whether the Steelyards, Scales, Weights, and Measures used in the said Markets are just and true, and for seizing and destroying publicly all Flesh Meat and Fish of unsound or unwholesome Quality, and all false and deficient Steelyards, Scales, Weights, and Measures that shall be found in the said Markets; and also for cleansing, letting, and occupying the said Markets, or any Part or Parts thereof; and also for regulating, ordering, and governing all Persons, Buyers or Sellers, thereto coming or resorting; and also for regulating all Carriers therein, and fixing the Rates and Prices for carrying and conveying all Articles carried and conveyed from the said Markets within the said City and the adjacent Parishes, and all such other Bye Laws, Rules, Orders, and Regulations for the holding, good Order, and Government of the said several Markets to be held within the said City and County of the same, and of the several Persons resorting thereto, as to them in their Judgment and Discretion shall seem proper and expedient for the common Benefit of the said City and the Persons resorting to the Markets thereof; and also from Time to Time to annul, alter, or vary such Bye Laws, Rules, Orders, and Regulations, or any of them, as shall be found expedient; and likewise to fix, impose, and lay such reasonable Penalties, Fines, and Forfeitures, not exceeding the Sum of Forty Shillings for each Non-observance or other Breach of such Bye Laws, Rules, Orders, and Regulations, or any of them, as to them shall appear necessary and expedient; and all such Bye Laws, Rules, Orders, and Regulations, being published as herein-after mentioned, shall be good and binding upon and observed by all Persons, and shall be sufficient in any Court of Law or Equity to justify any Person who shall act under or in pursuance of the same; and all such Penalties, Fines, and Forfeitures shall be recoverable and payable in the same Manner as is herein-after directed concerning other Penalties to be incurred by virtue of this Act; and all Persons so as aforesaid coming or resorting to the said Markets are hereby required to observe and keep such Rules, Bye Laws, and Regulations under such Penalties and Forfeitures as aforesaid; provided nevertheless, that such Bye Laws, Rules, Orders, and Regulations be not inconsistent with the Provisions of this Act, or repugnant to the Laws of that Part of the United Kingdom called *England*.

Bye Laws and Regulations to be exhibited.

LVI. And be it further enacted, That all such Rules, Orders, and Bye Laws and Regulations to be made as aforesaid shall be painted on Boards, and put up or affixed in some conspicuous Place or Places in the said Markets, which from Time to Time shall be renewed and replaced when and as often as the same shall be altered, obliterated, or defaced, and the same shall be as good, valid, and effectual as if the same had been enacted in this Act; but no Rule, Order, Bye Law, or Regulation shall have any Force or Effect until Seven Days next after the same shall have

have been affixed as aforesaid; and the said Rules, Orders, and Bye Laws, and any Alteration thereof, shall be subject to Appeal in manner herein-after mentioned.

LVII. 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 the said Market Places, or within the Limits thereof, or shall wilfully, carelessly, or negligently injure, deface, or spoil any Part of the Stalls or Standings, or the Roofs, Walls, Windows, Fences, Rails, Gates, Pillars, Columns, Steps, or Pavements in or belonging to the said Market Places or any Part thereof, or shall cause, do, or commit any other Kind of Obstruction, Annoyance, or Nuisance, Damage, Injury, or Spoil, in any Part of the said Markets, or upon any of the Stalls, Standings, Erections, or Buildings therein, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, and shall, over and above such Penalty, pay such Sum or Sums of Money as to the Justice or Justices for the said City and County of the City of *Exeter* before whom the Complaint of any such Act or Offence as aforesaid shall be heard shall think reasonable, by way of Satisfaction for any Damage so done by such Offender or Offenders as aforesaid.

Preventing
Nuisances in
the Market
Places.

LVIII. And be it further enacted, That it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, and they are hereby authorized, from Time to Time, when and as they shall deem it expedient, to appropriate and set apart One or more Parcel or Parcels of Land or Ground now belonging to the said Mayor, Bailiffs, and Commonalty in their Corporate Capacity, and lying within the said City or County of the said City of *Exeter*, or to contract and agree for the Purchase of, and to purchase and take and hold to them and their Successors, any House or Houses or Building or Buildings, and any Plot or Plots of Land or Ground, and thereon to erect any House or Houses, or Building or Buildings, or make use thereof as and for a Slaughter House or Slaughter Houses for the slaughtering of Cattle; and it shall be lawful for the said Mayor, Bailiffs, and Commonalty to let any such Slaughter House or Slaughter Houses at such Rent or Rents as can be obtained for the same: Provided always, that such Lands, Houses, Tenements, and Buildings shall not be purchased by and with the Monies authorized to be raised by this Act.

Corporation
may erect
Slaughter
Houses.

LIX. And be it further enacted, That if any Person shall assault, hinder, or obstruct any Officer or Person appointed or employed by the said Mayor, Bailiffs, and Commonalty to carry into effect any Bye Law, Rule, Order, or Regulation made under the Provisions of this Act in respect to the good Order and Government of the Markets therein, or shall assault, hinder, or obstruct any Person or Persons authorized or appointed by the said Mayor, Bailiffs, and Commonalty to receive or collect the lawful Tolls and Duties to be paid and payable in the aforesaid Markets, or if any Persons shall wilfully destroy, deface, injure, remove, pull down, or take away the Building, Shambles, Wall, Fence, Post, Rail, or Chain, or any Shed, Stall, Standing, Block, Trestle, Hurdle, Pen, or other Erection set up or to be set up by the Authority of the said Mayor, Bailiffs,

Penalty on
Persons
obstructing
Officers in
Markets, &c.

Bailiffs, and Commonalty for the Use, Purpose, or Convenience of the said Markets, or any Board, Notice, or Inscription to be affixed by the like Authority in or near the Places of holding the said Markets, every Person offending in any of the Cases aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Recovery of Penalties.

LX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by or in pursuance of this Act, (the Manner of levying and recovering whereof is not otherwise herein particularly directed,) or which shall be inflicted or imposed by any Rule, Order, or Bye Law to be made by virtue of this Act, shall and may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of any One or more Justice or Justices of the Peace for the City of *Exeter* and the County of the said City, on Complaint to him or them for that Purpose exhibited, and afterwards levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so to be levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods and Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant 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 or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Fines, Penalties, Forfeitures, and such Costs as aforesaid, and the same shall not forthwith be paid, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Fines, Penalties, and Forfeitures, Costs and Expences, can be levied, if a Warrant of Distress was issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for the said Justice or Justices, or any other Justices of the Peace for the said City of *Exeter* and the County of the same City, and they are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction to and for the said City of *Exeter* and County of the said City, there to remain

remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

LXI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed, and to be levied, paid, and recovered, under and by virtue of this Act, and which are not by this Act specially directed to be otherwise applied or disposed of, shall be paid to the Treasurer for the Time being of the said Mayor, Bailiffs, and Commonalty, and shall be wholly applied to and for the immediate Purposes of this Act, and to and for no other Use, Intent, or Purpose whatsoever.

Application
of Penalties.

LXII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justice may
proceed by
Summons in
the Recovery
of Penalties.

LXIII. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding relating thereto, 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 him or them, 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.

Distress not
to be unlaw-
ful for Want
of Form.

LXIV. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be made void, quashed, or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form.

LXV. And be it further enacted, That it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, or their Collectors or other Officers respectively, and such Person or Persons as they or any of them shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to the said Mayor, Bailiffs, and Commonalty, Collectors or other Officers,) who shall commit any such Offence or Offences against this Act or any of the Provisions thereof, or against any Rule, Order, or Bye Law to be made in pursuance thereof, and to take him, her, or them before any Justice or Justices of the Peace for the said City of *Exeter*, and

For securing
transient
Offenders.

[Local.]

P p

such

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 this Act.

For compelling Attendance of Witnesses.

LXVI. And be it further enacted, That if any Person or Persons having been summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace touching any Complaint for any Offence against this Act, or against any Rule, Order, or Bye Law made in pursuance thereof, whether on the Part of Prosecutors or the Person or Persons complained against, (a reasonable Sum for his, her, or their Costs and Charges having been tendered to him, her, or them,) shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved of by the Justice or Justices, or appearing shall refuse to be examined on Oath, (or on solemn Affirmation, being a Quaker,) and to give Evidence before such Justice or Justices of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Form of Conviction.

LXVII. And be it further enacted, That for the more speedy Conviction of Offenders against this Act all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act or the Provisions thereof, or against any Bye Law to be made as aforesaid, shall and may cause the Conviction to be drawn up in the Form or to the Effect following; (that is to say,)

‘ City of Exeter } **BE** it remembered, That on the
 ‘ to wit. } Day of _____ in the Year of our Lord
 ‘ at _____ in the said City of
 ‘ *Exeter, A. B.* is convicted before me [*or us*] _____ of His
 ‘ Majesty’s Justices of the Peace for the said City of *Exeter*, by virtue of
 ‘ an Act passed in the Fourth Year of the Reign of His Majesty King
 ‘ *William* the Fourth, intituled *An Act, &c.* [*here insert the Title of this*
 ‘ *Act, and state the Offence, and the Time and Place when and where the*
 ‘ *same was committed.*] Given under _____ Hand and Seal the Day and
 ‘ Year first above written.’

Appeal.

LXVIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rule, Order, or Bye Law, or by any Determination or Judgment, or any other Matter or Thing to be made, given, or done by virtue or in pursuance of this Act, such Person or Persons, Body or Bodies Politic or Corporate, shall or may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the said City of *Exeter* within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant having given or caused to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause and Matter thereof to the Clerk for the Time being acting in pursuance of this Act, and within Four Days next after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said City of *Exeter*, with Two sufficient Persons as Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such

such Costs as shall be awarded by such Justices at such General or Quarter Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter in a summary Way, and shall or may mitigate any Fine or Penalty or Forfeiture, and may order such Money to be returned which shall have been paid or levied in pursuance of any such Rule, Order, Bye Law, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their General or Quarter Sessions shall be binding and conclusive.

LXIX. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of this Act, or in the Execution or supposed Execution of the Powers and Authorities herein-before given, until Ten Days Notice in Writing of such intended Action or Suit, and the Cause thereof, shall have been given to the Clerk for the Time being acting in pursuance of this Act, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, nor after the Expiration of Six Calendar Months from the Time when such Cause of Action or Suit shall have arisen, or in case of any consequential Damage upon any Cause of Action, within Six Calendar Months after such Damage shall have been discontinued or shall cease, nor after Tender of reasonable Amends shall have been made to the Party or Parties aggrieved by or on behalf of the Defendant or Defendants in such Action or Suit; and every such Action or Suit shall be laid, brought, and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action and Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done or omitted in pursuance of and by the Authority of this Act; and if such Matter or Thing shall appear to have been so done or omitted, or if it shall appear that such Action or Suit was brought before the Expiration of Ten Days from the Delivery of such Notice as aforesaid, or after the Time herein-before limited for bringing the same, or Tender of reasonable Amends as aforesaid, or if such Action or Suit shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, and if the Plaintiff or Plaintiffs shall become nonsuited, or shall 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, the Defendant or Defendants shall and may recover his, her, or their Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of
Actions.

LXX. Provided always, and be it further enacted, That in all Actions or Suits to be brought against any Person or Persons for any Matter or Thing done in pursuance of this Act the Defendant or Defendants in such Action or Suit shall and may, before Plea pleaded, pay into Court such Sum or Sums of Money as he, she, or they shall think proper as and by way of reasonable Amends for such Matter or Thing; and if the Plaintiff or Plaintiffs shall refuse to accept the same, together with his, her,

Reasonable
Amends to
be paid into
Court by
Defendants.

or

or their Costs to that Time (to be taxed by the proper Officer), and if the Jury who try the Cause shall not find the Damages to amount to a greater Sum or Sums of Money than the Money so paid into Court, the Verdict shall pass for the Defendant or Defendants, and such Defendant or Defendants shall have all other Privileges and Advantages given to any Defendant or Defendants by this Act, and shall and may recover Treble Costs, and have the like Remedy for the same as before directed for recovering Costs by any Defendant or Defendants.

Lands and Houses required of Fley's Charity to be substituted by other Buildings.

LXXI. Provided also, and be it further enacted, That previous to the Houses and other Property belonging to a Charity called *Fley's Charity*, particularized in the Second Schedule to this Act, being taken down or used for the Purposes of this Act, or the Occupiers of the same being removed therefrom, it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty (being the Trustees of the said Charity), and they are hereby required, to erect and build other good and substantial Houses of the like Number and Description as the present, and with good and sufficient Materials, upon some other Piece of Ground as near adjoining to the present Site of such Houses as can conveniently be procured for the same, or upon the Lands of and belonging to the same Charity; and after such Houses shall have been so erected the Occupiers of the present Houses shall be removed to the same; and the Repairs and Support of such new Houses shall be done and continued in such and the same Manner, and by and out of the same Funds, as the present Buildings have been heretofore used and accustomed to be repaired and supported, and shall belong to and be a Part of the same Charity, in such and like Manner as the said Houses and Buildings hereby authorized to be taken down; any thing herein contained to the contrary notwithstanding.

Nothing herein contained to affect Right of Commissioners of Improvement to rate the Market.

LXXII. And whereas in and by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for better paving, lighting, watching, cleansing, and otherwise improving the City of Exeter and County of the same City*, it is provided that nothing therein contained should extend or be construed to extend to the Fish and Green Markets in the Parish of *Allhallows, Goldsmith Street*, and the Corn Market in the Parishes of *Saint Mary Arches, Saint Olave, and Saint George*, in the said City of *Exeter*, or for rating or assessing the Owners or Occupiers of any Stalls in such Markets, but that such Markets shall from Time to Time be paved, cleansed, and repaired by the Owners and Occupiers thereof in the same Manner as if the said Act had not been passed: And whereas the Sites for the new Market Places mentioned and set forth in the First and Second Schedules to this Act comprize the Sites of the said Fish, Green, and Corn Markets, but such new Markets are not intended to be exempted from the Rates, Provisions, Powers, and Authorities of the said Improvement Act; be it therefore enacted, That it shall and may be lawful for the said Corporation of Commissioners to rate and assess the said Market Places hereby authorized to be provided, or any or either of them, and the Tolls or Dues collected and levied in respect thereof, to the Rates or Assessments which the said Corporation of the *Exeter* Improvement Commissioners are authorized or directed to make or levy under or by virtue of the said recited Act passed in the Second Year of the Reign of His present Majesty, any thing therein or in this Act contained to the contrary thereof

in anywise notwithstanding; and nothing in this Act contained shall extend or be construed to extend to lessen, diminish, or affect the Rights, Powers, or Authorities of the said Corporation of the *Exeter* Improvement Commissioners.

LXXIII. And be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner affect any existing Mortgage of the Rents, Tolls, and Profits of the present Markets to any Person or Persons whomsoever who may have advanced such Money on the Credit thereof, or any Proceeding which may have been taken at any Time before the passing of this Act, or which shall or may be taken at any Time after the passing of this Act, against the said Mayor, Bailiffs, and Commonalty, for the Recovery of such Monies secured thereby, or any Part thereof; and the same shall be a Charge only on so much of the Tolls, Stallage, and Duties authorized to be taken by this Act as are herein-before reserved to the said Mayor, Bailiffs, and Commonalty as the Compensation for their Interest in the said Rents, Tolls, and Stallage of the said Markets, and shall, upon such Amount, precede and have Priority over any Mortgages which shall or may hereafter be granted or entered into by the said Mayor, Bailiffs, and Commonalty under or by virtue of this Act; and that all and every the Powers and Authorities which shall at any Time from and after the passing of this Act be vested in the said Mayor, Bailiffs, and Commonalty for the Purposes of making the said Markets shall, with the Amount of the Rents, Tolls, and Stallage reserved to the said Mayor, Bailiffs, and Commonalty aforesaid, form a Part, and are hereby enacted and declared to form a Part of and to be comprehended in the several Premises assured to the Person or Persons respectively named in such Mortgage or Security, in like Manner and in every respect as if such new Markets, Tolls, and Duties reserved to the said Mayor, Bailiffs, and Commonalty had been particularly named and inserted in and had formed Part of the several Premises assured by any such previous existing Mortgage or Security, and shall be paid thereout by the said Mayor, Bailiffs, and Commonalty; any thing in this Act contained to the contrary in anywise notwithstanding.

Saving of
existing
Mortgage
Securities.

LXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, diminish, or affect the Right of the Mayor, Bailiffs, and Commonalty of the said City to hold any Fairs, or the Right of the said Mayor, Bailiffs, and Commonalty of the said City, or any of their Officers or Servants, to make, erect, set, or place Booths, Stalls, Benches, Forms, and other Things, during the Time of holding any Fair or Fairs within the said City or County, or the Right of the said Mayor, Bailiffs, and Commonalty of the said City to any Rents, Tolls, Duties, or Profits whatsoever heretofore paid to them for or in respect of any such Fairs, or of any Booths, Stalls, Benches, Forms, or other Things to be erected, set, or placed as aforesaid, or to any Right, Royalty, Privilege, Liberty, or Authority belonging to the said Mayor, Bailiffs, and Commonalty as Lords of the Manor of *Exe Island*, or any other Right, Liberty, Franchise, Rent, Toll, Duty, Profit, or Privilege whatsoever belonging to the said Mayor, Bailiffs, and Commonalty of the said City, not by this Act in express Terms and in express Words taken away, lessened, or diminished; but that the said Mayor,

Saving the
Rights of the
Mayor, Bai-
liffs, and
Commonalty
of Exeter.

[Local.]

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Bailiffs,

Bailiffs, and Commonalty of the said City shall and may continue to have, hold, and enjoy all such Rights, Liberties, Privileges, and Franchises, and to have, receive, and take all such Rents, Tolls, Duties, and Profits, in like Manner as they could or might or ought to have done in case this Act had not been made.

Saving the Rights of the Dean and Chapter of Exeter.

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the Manor, Fee, Liberty, and Franchise of *Saint Sidwell* belonging to the Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter*, or to authorize the said Mayor, Bailiffs, and Commonalty to erect any Market Place, or hold any Market or Fair, or to demand, receive, or take any Tolls of Markets or Fairs not heretofore lawfully holden or taken within the said Manor and Fee, or to take away, lessen, or diminish any Rights which may now by Law exist of selling or exposing to Sale any Articles within the said Manor and Fee, or any Right of Property or Soil, Liberty, Power, Privilege, Franchise, or Jurisdiction of the said Dean and Chapter within their said Manor and Fee of *Saint Sidwell*, or any other Rights of Property or Soil, Liberty, Power, Privilege, Franchise, or Jurisdiction belonging to the said Dean and Chapter, or to the Bishop of *Exeter*, within the said City and County of the same; but that all such and the same Rights of Property and Soil, Liberties, Powers, Privileges, Franchises, and Jurisdictions, shall remain and be exercised and enjoyed by the said Dean and Chapter and their Successors, and by the said Bishop and his Successors, in as full and ample a Manner, to all Intents and Purposes, as if this Act had not been passed.

General Saving.

LXXVI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to alter, prejudice, lessen, defeat, or affect the Rights and Privileges of the King's most Excellent Majesty, or of any other Person or Persons, Body or Bodies Politic or Corporate or Collegiate whatsoever, his, her, or their Heirs, Executors, Administrators, or Assigns, in any respect whatsoever.

Public Act.

LXXVII. 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.

The First SCHEDULE to which the foregoing Act refers.

NEW MARKET.

LOWER SITE.

A SCHEDULE of the PROPERTY comprised within the following Area ; viz.

Bounded on the North by	-	-	The Fore Street.
Ditto	-	-	Guinea Street.
Ditto	-	-	Milk Lane.
Ditto	-	-	Market Street.

No.	Description.	Owners.	Lessees.	Occupiers.
<i>The Fore Street.</i>				
1	Dwelling House, Shop, and Offices.	Thomas Mack	- - -	Himself.
2	Ditto ditto	James Carrol Wilcocks.	- - -	Thomas Lowery.
3	Ditto ditto	Ditto	- - -	William Pridham.
4	Ditto ditto	Mayor and Chamber of Exeter.	George Bradford	Thomas Sercombe.
5	Ditto ditto	Lady Freemantle	- - -	John Quicke.
6	Ditto ditto	Feoffees of the Parish of Saint Mary Arches.	George Ferries	John Lake.
7	Ditto ditto	James H. Tosswill	Ditto	Himself.
8	Ditto ditto	John Sercombe	Ditto	Thomas S. Pickard.
9	Ditto ditto	Ditto	- - -	Mrs. Eliz th . Branscombe.
<i>Milk Lane.</i>				
10	Dwelling House, Shop, Offices, and Court.	Rev. Jonas Dennis	- - -	John Lake jun.
11	Ditto ditto	Mrs. Jane Bartrum	- - -	John Bartrum.
12	Ditto ditto	Richard Paine	- - -	Charles Mayo.
13	Ditto Offices and Court, being the "Cranes Inn" or Public House.	Ditto	- - -	Himself.
14	Ditto and Shop	Robert Camp	- - -	Grace Baker.
<i>The Butcherow.</i>				
15	Dwelling House, Shop, and Offices.	Robert Camp	- - -	Himself.
16	Ditto ditto	Mrs. Grace Smale	- - -	Herself.
17	Ditto ditto	Richard Paine	- - -	Miss Mary Burnett.
18	Ditto ditto	Mary Youlden	- - -	Herself.
19	Ditto ditto	William Youlden	- - -	Himself.
20	Ditto ditto	Robert Camp	- - -	Heath and Rudd.
21	Ditto ditto	Mrs. Jane Bartrum	- - -	Herself.
22	Ditto ditto	William Crockett	- - -	Thomas Slocombe.

No.	Descriptions.	Owners.	Lessees.	Occupiers.
23	The Corn or Country Butchers Market.	The Mayor and Chamber of Exeter.	- - -	Sundries Occupiers of the Butchers Stalls.
24	Dwelling House and Offices called The Market House Inn.	Ditto - -	- - -	James Tapper.
25	Dwelling House, Shop, and Offices.	Thomas Slocombe	- - -	Elizabeth Glass.
26	Dwelling House, Shop, Slaughter House, Court, and Tenements.	George Taverner -	- - -	Himself and others.
27	Dwelling House, Shop, and Offices.	Stephen Lang -	- - -	William Knapman.
28	Ditto ditto and Court	Edward Browne -	- - -	Himself.
29	Ditto ditto	William Knapman	- - -	Robert Hodge.
30	Ditto ditto	Lord Rolle and William Thorne.	William Thorne -	George Lake.
31	Ditto ditto	Ditto - -	George Lake -	James Allen junior.
<i>Milk Street.</i>				
32	Dwelling House, Shop, and Offices.	Edward Browne -	- - -	Rachel Mayo.
33	Ditto ditto	William Kerswill	John Maunder -	John Maunder.
34	Ditto ditto	Henry Cann -	- - -	Mary Connett.
35	Ditto ditto	Ditto - -	- - -	John Pow.
36	Ditto ditto	Richard Hayward or Mrs. Birmacombe.	- - -	John Ponsford.
<i>Guinea Street.</i>				
37	Dwelling Houses, Shops, Court, and Stable.	William Goodridge	- - -	Himself, S. Scott, and Ann Pointer.
38	Malt House, Court, and Offices	William Carter -	- - -	Himself.
39	Dwelling House, Shop, and Offices.	Ditto - -	- - -	John Hooppel.

LOWER SITE—continued.

A SCHEDULE of PROPERTY comprised within the following Area ; viz.

Bounded on the North by	-	The Butcherow.
Ditto - South	-	Golden Lion and other Property.
Ditto - East	-	Market Street.
Ditto - West	-	Golden Fleece and other Property.

No.	Description.	Owners.	Lessees.	Occupiers.
40	Dwelling House, Offices, Court, &c. being the Butchers Arms Public House.	Lord Rolle - -	Joseph Sayell -	Mrs. Eliz. Bowditch.
41	Dwelling House, Shop, Offices, and Slaughter House.	William Pollard -	- - -	Himself.
42	Ditto ditto	Nicholas Cornish	- - -	James Darke.

No.	Description.	Owners.	Lessees.	Occupiers.
43	Six Cottages and Offices -	Nicholas Cornish	- - -	Sundry Tenants.
44	Dwelling House, Shop, and Offices.	Ditto	- - -	William Mays.
45	Dwelling House and Court -	Andrew Cross	- - -	Himself, Sarah Mays, and others.
46	Slaughter House and Court -	John Lake -	- - -	Himself.
47	Ditto ditto -	Edward Browne -	- - -	Himself,
48	Dwelling House, Offices, and Court.	Mrs. Jarman -	- - -	Herself.
49	Ditto ditto and Slaughter House.	William Knapman	- - -	Himself and Curtis.
50	Ditto ditto -	Robert Camp -	Edward Cross Maynard.	Billen and others.
51	Slaughter House and Court	Ditto -	Ditto -	Robert Camp.
52	Two Slaughter Houses and Court.	Ditto -	Ditto -	Allen and Youlden.
53	Nine Slaughter Houses and Courts.	Samuel Carter -	- - -	James Sparkes.
				Mayo and Cockram.
				Thomas Slocombe.
				Frederick Heath.
				Manning and Force.
54	Slaughter House and Court	Thomas Slocombe	- - -	Richard Hodge.
				James Sparkes.
				J. Beavis
54	Ditto	James Allen sen. -	- - -	J. Hucklebridge.
				John Hore.
54	Ditto	Robert Camp -	- - -	Self.
				John Bartrum.
55	Houses, Shops, and Offices -	William Knapman	- - -	Thomas Coles and Henry Gill.

The Second SCHEDULE to which the foregoing Act refers.

NEW MARKET.

HIGHER SITE.

Description.	Owners.	Lessees.	Occupiers.
<i>Fore Street and Property behind.</i>			
Dwelling House, Offices, and Court	William Snell -	- - -	Thomas Knott.
Part of the Swan Tavern and Offices	Mayor and Chamber of Exeter.	- - -	William Patterson.
The present Fish Market -	Ditto -	- - -	Sundry Persons.
Small Dwelling House -	Ditto -	- - -	John James.
Dwelling House, being old Excise Office and Garden.	George Ferris -	- - -	Richard Smith.
<i>Goldsmith Street.</i>			
Dwelling House, Court, and Shop	Miss Ann Kent, Sidmouth.	- - -	George Haynes.
Dwelling House, Yard, and Garden	John M. Wilcocks	- - -	John Darby.
Dwelling House and Offices -	Geo. Ferris -	- - -	Pat. Smith and others.
[Local.]	R r		

Description.	Owners.	Lessees.	Occupiers.
Dwelling House and Workshop -	Geo. Ferris - -	- - -	Wm. Rawlings Sobey.
Dwelling House - - -	Ditto - - -	- - -	Stephen Shute.
Ditto - - -	Ditto - - -	- - -	Thomas Ryan.
Ditto - - -	Ditto - - -	- - -	Joseph Keen.
Ditto - - -	Ditto - - -	- - -	William Pillman.
Ditto - - -	Ditto - - -	- - -	John Orchard.
The New Butchers, Pork, and Potatoe Markets.	Mayor and Chamber of Exeter.	- - -	Themselves.
The Ship Yard, Stables, and Sheds	Tailors Company	Messieurs Sanders and Snow.	John Pedrick.
Dwelling House and Court -	Ditto - - -	Ditto - - -	William Sanders.
Tailors Hall and Offices -	Ditto - - -	- - -	Ditto.
Dwelling House - - -	Ditto - - -	Willm. Lee Esquire	Ann Tattershall.
Ditto - - -	Ditto - - -	Ditto - - -	Joseph Coles.
Ditto - - -	Ditto - - -	Edmund Granger Eq.	George Godfrey.
Six Alms-houses, Fley's Charity	Mayor and Chamber of Exeter.	- - -	Persons the Object of the Charity.
Dwelling House, Offices, and Garden, Fley's Charity.	Ditto - - -	- - -	Willm. Tuckett.
<i>Paul's Street.</i>			
Dwelling House and Court -	Benjamin Johnson	- - -	James Southcott.
Ditto ditto - - -	Ditto - - -	- - -	William Manley.
Ditto ditto - - -	Ditto - - -	- - -	David Lazarus.
Dwelling House - - -	Messieurs Sanders and Snow.	- - -	Thomas Boulton.
Ditto - - -	Ditto - - -	- - -	Elizabeth Webber.
Dwelling House in the Court -	Ditto - - -	- - -	John Brown.
Ditto ditto - - -	Ditto - - -	- - -	William Edward Ellis.
Large Dwelling House, Offices, and Yard.	Messieurs Sanders and Snow, and Mayor and Chamber, Trustees of Fley's Charity.	Messieurs Sanders and Snow.	Vacant.
Dwelling House, Offices, and Garden	Thomas Campion.	- - -	Thomas Campion.
<i>Gandy's Street.</i>			
Dwelling House, Offices, and Garden.	Messieurs Sanders and Snow	- - -	Vacant.
Dwelling House, Cellars, and Garden	Sanders and Snow -	- - -	Themselves.
Dwelling House, Workshops, and Garden.	Robert Fisher -	- - -	Himself and others.
Dwelling House, Offices, and Court	Mrs. Fenwick -	- - -	Joseph Sanders and others.
<i>Paul's Street.</i>			
Dwelling House, Offices, Yard, and Garden.	Robert Sanders -	- - -	Himself.
Dwelling House, Offices, Stables, &c. - - -	Ditto - - -	- - -	Wm. Mugford Rich. Dyer. Robert Bragg. Samuel Beydon. James Richards. John Ley. Sarah Cotton.
Dwelling House and ruinous Tenements.	Martha Escot Taddy.	- - -	
<i>Northernhay.</i>			
Dwelling House and Garden -	Mayor and Chamber	— Verney -	— Verney.
Garden - - -	Ditto - - -	John Pidsley -	Himself.
Garden - - -	Ditto - - -	Zac. Turner -	Himself.

The Third SCHEDULE to which the foregoing Act refers.

RENTS, TOLLS, AND STALLAGE.

	£	s.	d.
For every inclosed covered Fish Shop, not to contain less than Eight Feet Square inside Measure, to be rented by the Year, any Sum not exceeding - - - - -	30	0	0
For every Fish Stall used in the Market, for every Market or other Day, any Sum not exceeding - - - - -	0	2	0
For every Cart containing Fish, any Sum not exceeding - - - - -	0	1	0
For every Horse Load containing Fish, any Sum not exceeding - - - - -	0	0	6
For every inclosed covered Butcher's Stall, fitted up with Racks and Hooks to be occupied by Butchers not residing within the said City or County of the said City, any Sum not exceeding the yearly Rent or Sum of - - - - -	30	0	0
For every inclosed covered Butcher's Stall, fitted up with Racks and Hooks to be occupied by Butchers residing within the said City and County of the said City, and to be occupied every Day in the Week, any Sum not exceeding the yearly Rent or Sum of - - - - -	30	0	0
For every Stand, Stall, or Bench for the Sale of Meat, not exceeding Twenty-six superficial Feet which such Stand, Stall, or Bench shall measure on the Surface thereof, for each Market Day, any Sum not exceeding - - - - -	0	2	6
For every other Day in the Week, any Sum not exceeding - - - - -	0	1	6
For every additional superficial Foot - - - - -	0	0	1
For the Carcase of every Hog exposed for Sale by any Person not occupying a Stall, if such Hog shall not weigh more than Five Score of Twenty Pounds to the Score, any Sum not exceeding - - - - -	0	0	3
For every additional Hundred Pounds, or Five Score Weight, any Sum not exceeding - - - - -	0	0	1
For every Sucking Pig, any Sum not exceeding - - - - -	0	0	0½
For each and every Foot in Length occupied by any One Person, for exposing to Sale Poultry, Bacon, Butter, Eggs, or any other Article of Provision usually sold in Poultry Markets, except Vegetables or Fruit only, for any Day in the Week, any Sum not exceeding - - - - -	0	0	3

And so in proportion for every Part of a Foot in Length.

	£	s.	d.
For each and every Foot in Length, occupied by any Person for exposing to Sale Vegetables or Fruit only, for each Market Day in the Week, any Sum not exceeding - - - - -	0	0	1½
And so in proportion for any Part of a Foot in Length.			
For any other Day in the Week, any Sum not exceeding -	0	0	1
For every Hand Basket, Hamper, or other Thing containing Poultry, Butter, Eggs, or any other Article of Provisions, except Vegetables and Fruit, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Seven Inches in Depth, for each Market or other Day in the Week, any Sum not exceeding - - - - -	0	0	3
For every Hand Basket, Hamper, or other Thing containing Vegetables or Fruit only, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Twelve Inches in Depth, for each Market or other Day in the Week, any Sum not exceeding - - - - -	0	0	1½
If any Hand Basket, Hamper, Pannier, or other Thing shall exceed in Depth the Number of Inches herein-before respectively limited, for every additional Inch in Depth thereof, any Sum not exceeding - - - - -	0	0	0½
For every Bag of Potatoes not weighing more than Two hundred and twenty Pounds, pitched in the Market, any Sum not exceeding - - - - -	0	0	2
For every Bag of Carrots not containing more than Ten Pecks Imperial Measure, pitched in the Market, any Sum not exceeding - - - - -	0	0	2
For every Bag of Turnips not containing more than Ten Pecks Imperial Measure, pitched in the Market, any Sum not exceeding - - - - -	0	0	1½
For every Bag of Potatoes, Carrots, or Turnips brought within the said City or County of the said City for the Purpose of Sale, but not pitched in the Market, any Sum not exceeding -	0	0	1
For every Horse Load of Peas, Beans, or other Vegetables brought into the said City or County of the said City for Sale, but not pitched in the Market, any Sum of Money not exceeding -	0	0	6
For every Cart containing any of the same Articles, any Sum of Money not exceeding - - - - -	0	1	0
For every Wheelbarrow containing any of the same Articles, any Sum of Money not exceeding - - - - -	0	0	3
For every superficial Foot of uncovered Ground used or occupied by Persons offering for Sale or selling Cabbage or other Plants, Apple Trees, or Shrubs, or for other Purposes not before specified, for each Market Day, any Sum not exceeding - -	0	0	1
For any other Day in the Week, not exceeding - - -	0	0	0½
For each and every superficial Foot of every Stall for exposing to Sale any manufactured Goods, Wares, or Merchandize, for each Market Day, any Sum not exceeding - - - - -	0	0	4

	£.	s.	d.
For each and every superficial Foot of every Stall for selling or exposing to Sale any Cheese or other Article not herein-before particularly mentioned, for each Day, not exceeding - -	0	0	2
For every Waggon or Cart laden with Fruit, Vegetables, or other Agricultural Produce, sold or exposed to Sale by wholesale, any Sum not exceeding - - - - -	0	2	0

The several Rents, Tolls, and Stallage before mentioned and specified to be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, in case he or she shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day.

CORN, GRAIN, SEED, WOOL, AND LEATHER TOLLS.

For every Bushel of Wheat, Peas, Beans, and other Seeds, any Sum not exceeding - - - - -	0	0	1
For every Bushel of Oats, any Sum not exceeding - - - - -	0	0	0½
For every Pack of Wool of Two hundred and forty Pounds per Pack, any Sum not exceeding - - - - -	0	2	6
For every Three Hundred Weight of Leather, any Sum not exceeding - - - - -	0	0	6

And so in proportion for a greater or less Quantity.

The Fourth SCHEDULE to which the foregoing Act refers.

TOLLS FOR WEIGHTS AND MEASURES.

	£	s.	d.
For every Quantity of Meat or other Article weighing not exceeding Twenty Pounds Avoirdupois, any Sum not exceeding -	0	0	0½
For every Quantity of Meat or other Article weighing more than Twenty Pounds and not exceeding Sixty Pounds, any Sum not exceeding - - - - -	0	0	2
For every Quantity of Meat or other Article weighing more than Sixty Pounds and not exceeding One hundred Pounds, any Sum not exceeding - - - - -	0	0	3
For any greater Quantity than a Hundred Pounds Weight, any Sum not exceeding - - - - -	0	0	4
For every Quantity of Goods and Articles sold by Measure not exceeding One Bushel - - - - -	0	0	0½
Exceeding One Bushel, and not exceeding Two Bushels - -	0	0	1
For every additional Bushel, or any Quantity less than a Bushel beyond such Two Bushels, the Sum of - - - - -	0	0	0½

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