ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxviii.

An Act for building a Market House in the Borough of *Clifton Dartmouth Hardness*, in the County of *Devon*; and for better paving, lighting, widening, and improving the Streets and other Public Places within the said Borough. [2d *May* 1815.]

WHEREAS the Borough of *Clifton Dartmouth Hardness*, in the County of *Devon*, is an ancient Corporate Town of considerable Extent, having an extensive Population, and carrying on a large Trade: And whereas for many Years last past a Market has been held, and continues to be holden in the Borough aforesaid, on Part of the Lands of the Mayor, Bailiffs, and Burgesses of the said Borough, called *The New Quay*, and in the Streets near thereto, on *Fridays* in every Week, for supplying the Inhabitants of the said Borough with Provisions; and which said Quay is quite open, and exposed to the Rain and Wind, and the Shambles and Street where the Fish Market is now held are extremely narrow, inconvenient, and dangerous for Passengers, in consequence whereof the Mayor, Bailiffs, and Burgesses of the said Borough are willing, at their own Expence, to build a Market House, Market Place, Shambles, and Conveniences, on Part of the Land belonging to them in the said Borough, for the Accommodation of the Public; and are desirous that the present Markets should be removed from the said Quay and Public Streets, and that Provision should be made for the better Regulation of the said Markets, and also for preventing and removing Nuisances and Obstructions into and upon the said intended Market House, Market Places, and the Streets leading thereto: And whereas several of the Streets, Lanes, Ave-

nues, Public Paſſages, and Places within the ſaid Borough, are too narrow, and ſome of them (particularly the principal Street which leads through the ſaid Borough) are rendered incommodious and inconvenient, and in many Parts dangerous to Paſſengers, by reaſon of the Irregularity of the Pavement, and by reaſon of various Projections, Nuiſances, and Annoyances therein: And whereas it would tend greatly to the Accommodation, Safety, and Convenience, not only of the Inhabitants of the ſaid Borough, but of all Perſons reſorting to or travelling through the ſame, if the Public Streets, Lanes, Avenues, Public Paſſages and Places, within the ſaid Town and Borough, were widened, and properly and regularly paved, and all Projections, Nuiſances, and Annoyances removed and prevented; and if the ſame were cleanſed, lighted, and otherwiſe improved; but inaſmuch as the ſeveral Purpoſes 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 Mayor, Bailiffs, and Burgeſſes, and their Succeſſors for the Time being, ſhall be and are hereby appointed Truſtees for governing, regulating, conducting, and managing the new Market intended to be made in the ſaid Borough, and the Avenues and Approaches to the ſame.

Appointment of Truſtees.

Orders to be written in a Book to be kept for that Purpoſe.

II. And be it further enacted, That all the Orders, Reſolutions, and Proceedings of the ſaid Truſtees ſhall from Time to Time be fairly written and entered by the Town Clerk for the Time being of the ſaid Borough, in a proper Book or Books to be kept for thoſe Purpoſes, and ſigned by the Mayor for the Time being of the ſaid Borough; and the Book or Books ſo ſigned and ſubſcribed, ſhall be depoſited among the Records in the Guildhall of the ſaid Borough; and all ſuch Entries therein being ſo ſigned and ſubſcribed, ſhall be deemed and taken to be Originals, and the ſame, or true Copies thereof, ſhall be admitted to be read in Evidence in all Courts whatſoever, in all Cauſes, Suits, and Actions, touching any Thing to be done in purſuance of and under the Authority of this Act; and the ſaid Book or Books ſhall be open to the Inſpection of the ſaid Mayor, Bailiffs, and Burgeſſes, or any of them, at all ſeaſonable Times, without Fee or Reward.

Officers to be appointed.

III. And be it further enacted, That it ſhall and may be lawful for the ſaid Mayor, Bailiffs, and Burgeſſes, from Time to Time, by Writing under the Hand of the Mayor for the Time being, entered in the ſaid Book or Books of Proceedings, to nominate and appoint fit and proper Perſons to be Treaſurer or Treaſurers, Market Looker or Market Lookers, Inſpector or Inſpectors of Proviſions and of Weights and Meaſures, Clerk or Clerks of the ſaid Market, Scavenger or Scavengers, Collector or Collectors, Receiver or Receivers of the Monies to be received by virtue of this Act, and ſuch other Officers, and with ſuch Salaries, as they ſhall ſee Occaſion; and from Time to Time to remove or diſplace all or any of 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 they may require and take ſuch Security from every ſuch Treaſurer, Collector, and other Officers, ſo to be appointed for the Execution of their reſpective Offices, as the ſaid Mayor, Bailiffs, and Burgeſſes,

shall think necessary and appoint; and every Officer and Person to be appointed by virtue of this Act, or who shall be employed in the Execution thereof, shall, under his Hand, at such Time or Times, and in such Manner as the said Mayor, Bailiffs, and Burgesses shall direct, deliver to the said Mayor, Bailiffs, and Burgesses, or to such Person or Persons as they shall appoint to receive the same, a true and perfect Account in Writing of all Money which shall have been by such Officer or Officers respectively received by virtue of or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payment, and shall pay all such Money as shall remain in their respective Hands to the said Mayor, Bailiffs, and Burgesses, or to such Person or Persons as they shall appoint; and if any such Treasurer, Collector, Officer, or Person, shall not make and render, or produce or deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Mayor, Bailiffs, and Burgesses, or to such Person or Persons as they shall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, signed by the said Mayor or by the Town Clerk of the said Borough, and given or left at the last usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Mayor, Bailiffs, and Burgesses, respecting the same; and if Complaint shall be made thereof, by or on Behalf of the said Mayor, Bailiffs, and Burgesses, to any Justice of the Peace for the said Borough, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to order such Treasurer, Collector, Clerk, Officer, or Person, so refusing or neglecting to be brought before him, and upon his appearing or his not being found, to hear and determine the Matter of Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of One credible Witness upon Oath, it shall appear to such Justice that any of the Money that shall have been collected and raised by virtue of this Act, shall be in the Hands of such Treasurer, Collector, Clerk, Officer or Person, such Justice may and he is hereby authorized and required to order the Payment thereof; and upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Collector, Clerk, Officer, or Person, together with the Costs and Charges of such Distress and Sale, to be ascertained by such Justice, and which he is hereby authorized and empowered to settle and ascertain, rendering the Overplus (if any) to the Party or Parties so distrained on, or leaving the same at the Place where the Distress shall be made; and if it shall in Manner aforesaid appear to any such Justice, that any such Treasurer, Collector, Clerk, Officer, or Person, shall refuse or neglect to render and give such Account, or to produce the Vouchers relating thereto, or any Books, Papers, or Writings, relating to the Execution of this Act, which shall be in the Custody or Power of any such Treasurer, Collector, Clerk, Officer, or other Person, and that he hath refused or neglected to deliver up or give Satisfaction respecting the same as aforesaid, then such Justice shall commit such Treasurer, Collector, Clerk, Officer, or Person, to the Common Gaol of the said Borough, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or shall have compounded with the said Mayor, Bailiffs, and Burgesses touching the same, and have paid such Composition in such Manner as they shall appoint, or until he shall deliver up all such Books,

Officer to render Account.

Distress may be levied.

Books, Papers, and Writings, as aforeſaid, or give ſuch Satisfaction in reſpect thereof as aforeſaid; provided that no Perſon ſhall be impriſoned for want of ſufficient Diſtreſs by virtue of this Act, for a longer Space of Time than Three Calendar Months.

Penalty for taking Fees.

IV. And be it further enacted, That if any Officer or Officers to be employed by the ſaid Mayor, Bailiffs, and Burgeſſes for any of the Purpoſes of this Act, ſhall exact or demand or receive from any Perſon or Perſons whomſoever, any Fee or Fees, Emoluments or other Perquiſites in the Duties of his Office, other than the Salary or Emoluments allowed to him by the ſaid Mayor, Bailiffs, and Burgeſſes, every ſuch Officer ſhall repay the Sum or Sums ſo unlawfully received to the Perſon or Perſons who ſhall have paid the ſame, to be recovered in like Manner as Penalties are directed to be recovered by this Act, and ſhall forfeit and pay any Sum not exceeding Ten Pounds, at the Diſcretion of the ſaid Mayor, or any Juſtice of the Peace for the ſaid Borough, by way of Penalty for every ſuch Offence.

Power to let Tolls.

V. And be it further enacted, That it ſhall be lawful for the ſaid Mayor, Bailiffs, and Burgeſſes, from Time to Time to demiſe or let the ſaid Market Houſe and Market Place, and to let to farm the Whole or any Part of the Tolls or Profits to be collected or to ariſe from or in reſpect of the ſaid Market or 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; and alſo to let all or any of the Shambles, Standings, Sheds, Stalls, Blocks, Treſſels, and other Conveniences, Standing Places, and Stanchions to be erected, provided, and ſet out as aforeſaid, for ſuch Time, at ſuch Rent and Rents, and upon ſuch Terms and Conditions, and with ſuch Securities for the Payment thereof, as ſhall be agreed upon and contracted for by and between the ſaid Mayor, Bailiffs, and Burgeſſes, and the Perſon or Perſons reſpectively to whom ſuch reſpective Lettings ſhall be made.

To appoint a Weighing Houſe.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Mayor, Bailiffs, and Burgeſſes to erect and appoint a certain public Weighing Houſe or Place at or near the ſaid Market, for weighing ſuch Meat, Goods, Articles, and Things as ſhall be bought or ſold by Weight in the ſaid Market, and they are hereby required to keep good and ſufficient (according to the reſpective Standards in the Exchequer at *Weſtminſter*), Weights, Scales, Steelyards, and Meaſures, and to appoint the Clerk or Clerks of the ſaid Market, or any other proper Perſon or Perſons to attend the ſame on every Market Day, from Eight of the Clock in the Morning until Eight of the Clock in the Evening, or ſuch other Time as in ſuch Rules, Orders, or Bye Laws to be made by virtue of this Act, ſhall from Time to Time be directed, during all which Time and no longer the ſaid Market Day ſhall be holden, continue, and endure; and that all and every Perſon and Perſons ſelling Meat or other Things by Weight or Meaſure in the ſaid Market ſhall weigh and meaſure the ſame in or by the ſaid Weights, Meaſures, Scales, or Steelyards as aforeſaid, if required by the Buyer or Buyers thereof, to be ſo weighed or meaſured; and in order to defray the Expences of providing the Weights, Scales, Steelyards, and Meaſures as aforeſaid, and proper Perſons to attend the ſame, there ſhall be paid by the Seller of ſuch Meat or other Things,

Things, to the Clerk or Clerks of the ſaid Market, or other Perſon or Perſons appointed to receive the ſame, the Sums of Money following; (that is to ſay),

For every Piece of Meat or other Thing weighing not exceeding Twenty Pounds, One Halfpenny, and no more: Tolls for weighing and meaſuring.

For every Piece of Meat or other Thing weighing more than Twenty Pounds and not exceeding Sixty Pounds, Two-pence, and no more:

For every Piece of Meat or other Thing weighing above Sixty Pounds the Sum of Four-pence, and no more, by the Hundred Weight, and in that Proportion for any greater or leſs Quantity than an Hundred Pounds Weight over and above One hundred Pounds Weight:

And for all Goods, Articles, and Things ſold by Meaſure, there ſhall be paid by the Seller thereof to the Clerk of the ſaid Market, or other Perſon or Perſons appointed to receive the ſame, the Sums of Money following; (that is to ſay),

For any Quantity not exceeding One Buſhel, One Halfpenny, and the further Sum of One Penny for any Quantity more than One Buſhel and not exceeding Two Buſhels; and the like further Sum of One Penny for every further Buſhel, or any Quantity leſs than a Buſhel beyond the former Buſhel.

And if any Seller of Meat, or any Seller or Dealer in other Goods, Articles or Things in the ſaid Market, ſhall refuſe or neglect to weigh or meaſure by and with the ſaid public Scales, Steelyards, Weights, or Meaſures as aforeſaid, or to pay for the ſame reſpectively at the Rate aforeſaid, the Perſon or Perſons ſo refuſing or neglecting ſhall forfeit and pay for every ſuch Refuſal or Neglect a Sum not exceeding Ten Shillings, nor leſs than Five Shillings. Penalty for refuſing to have Articles weighed.

And the ſaid ſeveral laſt-mentioned Tolls or Sums of Money and Penalties ſhall and may be recovered by Diſtreſs and Sale of the Goods, Articles, and Things weighed or meaſured, or refuſed to be weighed or meaſured, in like Manner as herein-after is directed concerning the Recovery of the Tolls to be paid in reſpect of the ſaid Market.

VII. And be it further enacted, That the Perſon or Perſons appointed by the ſaid Mayor, Bailiffs, and Burgeſſes, as Inſpector or Inſpectors of Proviſions and of Weights and Meaſures in the ſaid Market, ſhall and may, and is and are hereby authorized and required to ſeize and publicly to deſtroy all unwholeſome Fleſh Meat which ſhall be brought into or offered for Sale in the ſaid Market. Inſpectors to ſeize unwholeſome Meat, &c.

VIII. And be it further enacted, That from and after ſuch Time as the ſaid Market Houſe and Market Place ſhall be built and completed by the ſaid Mayor, Bailiffs, and Burgeſſes, and opened for Public Uſe as a Market, the Markets of the ſaid Borough ſhall be removed thereto; and that it ſhall not afterwards be lawful for any Perſon or Perſons on any ſucceeding *Friday* or *Saturday*, being the Market Days in the ſaid Borough, to ſell or expoſe to ſale within the ſaid Borough, except in the ſaid Market Houſe or Market Place, any Cattle, Butchers Meat, Pork, Butter, Poultry, Eggs, Corn, or other Grain, nor any Garden Stuff, Potatoes, Roots, or Vegetables, nor any freſh Fiſh, at any Time within the ſaid Borough, except in the ſaid Market Houſe or Market Place; upon pain of every Not to ſell Meat, &c. on Market Days, except in the Market Houſe.

Perſon ſo offending, for each and every ſuch Offence, on Conviction before One or more Juſtice or Juſtices of the Peace for the ſaid Borough, forfeiting any Sum not exceeding Forty Shillings: Provided nevertheleſs, that nothing herein contained ſhall reſtrain or prohibit, or be conſtrued to reſtrain or prohibit any Perſon or Perſons whomſoever from crying their Fiſh through the ſaid Town, or from ſelling the ſame from Door to Door: Provided alſo, that nothing herein contained ſhall extend or be 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 Borough of *Clifton Dartmouth Hardneſs*.

Not to prohibit Perſons from ſelling Fiſh, &c.

IX. And be it further enacted, That there ſhall be paid to the ſaid Mayor, Bailiffs, and Burgeſſes, or to their Steward or Stewards for the Time being, or to the Perſon or Perſons by them appointed to receive the ſame, by all and every the Perſon and Perſons holding, uſing, or occupying any Stall, Shed, or Standing, or ſelling or offering or expoſing to ſale any Cattle, Butchers Meat, or other Goods, Articles, or Things as aforeſaid, in the ſaid intended Market, from and after the Time the ſaid Market ſhall have been opened and uſed as ſuch, the ſeveral Tolls following; (that is to ſay),

Power to take Tolls, &c.

For every Bull, Steer, Cow, or Heifer offered alive for Sale, the Sum of Sixpence:

For every Horſe, Mare, or Gelding offered for Sale, the Sum of One Shilling:

For every Score of Sheep or Lambs offered alive for Sale, the Sum of One Shilling and Eight-pence; and in that Proportion for a greater or leſs Number:

For every Swine or Hog offered alive for Sale, Sixpence:

For the Carcaſe of every Bull, Steer, Ox, Cow, or Heifer offered for Sale, One Shilling, and ſo in Proportion for leſs than a Carcaſe; and for the Carcaſe of every Calf, Sheep, Hog, or Lamb offered for Sale, Sixpence, and ſo in Proportion for leſs than a Carcaſe:

For every Baſket, Parcel, or Quantity of Butter, not exceeding Six Pounds, One Penny:

For Ditto, exceeding Six Pounds and not exceeding Twelve Pounds, Two-pence:

For Ditto, exceeding Twelve Pounds and not exceeding Eighteen Pounds, Three-pence, and for every additional Six Pounds, One Penny:

For every Fowl, Chicken, and Duck, Wild Fowl, and Rabbit, One Halfpenny:

For every Turkey, Gooſe, or dead or live Sucking Pig, One Penny:

For Pigeons, not exceeding Half a Dozen, One Penny, and for every additional Half Dozen, One Penny:

For every Baſket, Parcel, or Quantity of Eggs, under One Dozen, One Halfpenny, and for every additional Dozen, One Halfpenny:

For every Peck of Potatoes, One Farthing:

For every Buſhel, or leſs Quantity than a Buſhel, of Corn, Green Peas, Beans, or other Things uſually ſold by Meaſure, offered for Sale in the ſaid Market, the Sum of One Penny:

For

For every Baſket or Parcel of Onions, not exceeding Six Pounds Weight, One Halfpenny, and for every additional Six Pounds Weight, One Halfpenny:

For every Baſket or Parcel of Carrots, Parſnips, or Turnips, not exceeding One Buſhel, One Penny, and for every additional Buſhel, One Penny:

For every Hundred of Cabbage Plants, One Halfpenny:

For every Baſket or Parcel of Cabbages, not exceeding Twenty Cabbages, One Halfpenny, and for every additional Twenty, One Halfpenny:

For every Pannier, Baſket, Firkin, Barrel, Tub, or Mound of Fruit, One Penny:

For every Baſket, Hamper, Parcel, or Quantity of Fiſh, not containing more than Three Gallons, One Penny:

For every Baſket, Hamper, Parcel, or Quantity of Fiſh, not containing more than Six Gallons, Two-pence:

For every Baſket, Hamper, Parcel, or Quantity of Fiſh, containing more than Six Gallons, Sixpence:

For every Baſket, Hamper, or Parcel of Cockles, Muſcles, or Wrinkles, One Halfpenny:

For every Baſket, Hamper, or Parcel of Crabs, Lobſters, or Oyſters, One Penny:

For every Baſket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing, expoſed or offered for Sale, not ſpecifically charged or enumerated herein, nor falling within any of the preceding Heads, and not containing more than One Buſhel, One Penny, and for every additional Half Buſhel, One Halfpenny.

For recovering the Market Tolls.

X. And be it further enacted, That in caſe any Perſon holding, uſing, or in any Manner occupying any of the ſaid Buildings, Sheds, Stalls, Standings, Bulks, Treſſels, Blocks, or other Conveniences in the ſaid Market Houſe or Market Place, or ſelling, or offering or expoſing to Sale any Butchers Meat, or any other Goods, Commodities, Articles, or Things in the ſaid Market, ſhall, upon Demand thereof made by the Collector, Farmer, or other Perſon authorized to receive the ſaid ſeveral Tolls or Sums aforeſaid, either immediately or afterwards neglect or refuſe to pay, or ſhall wilfully evade the Payment of the ſeveral Sums or Tolls aforeſaid, or any or either of them, or any Part thereof; then and in ſuch Caſe, and as often as it ſhall ſo happen, it ſhall be lawful for the ſaid Collector, Farmer, or other Perſon ſo authorized to receive the ſame, either by himſelf or his Aſſiſtants, to levy the ſame by Diſtreſs and Sale of all or any of the Goods, Articles, and Things ſo offered or expoſed to Sale, or otherwiſe belonging to ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſaid Tolls, or any of them; and the Diſtreſs and Diſtreſſes ſo taken to ſell, immediately rendering the Overplus (if any) after deducting the Expence of ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Property ſuch Goods, Articles or other Things were at the Time of every ſuch Diſtreſs.

Not to kill, &c. Cattle in the Streets.

XI. And be it further enacted, That if any Perſon or Perſons ſhall kill, ſlaughter, ſinge, ſcald, or dreſs any Beaſt, Swine, Calf, Sheep, or other Cattle, or cauſe the ſame to be done in any open or public Street, Lane, or Way within the ſaid Borough, or in any Part of the ſaid Market Place, or cut or hang up, or cauſe to be cut or hung up, any Beaſt, Swine, Calf, Sheep,

To impound Cattle wandering about the Streets.

Sheep, or other Cattle, or any Part or Parts thereof, in any Open or Public Street, Lane, or Way, every Perſon or Perſons ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings; and if any Swine, Horſe, Beaſt, or Cattle ſhall be found wandering about the Streets, Lanes, Ways, or Market Places of the ſaid Borough, or any or either of them, it ſhall and may be lawful to and for any Officer or Officers of the ſaid Mayor, Bailiffs and Burgeſſes, or any other Perſon or Perſons whomſoever, to impound ſuch Swine, Horſe, Beaſt, or Cattle, in the common Pound or Pounds of the ſaid Borough, or ſuch other Place as ſhall be appointed for that Purpoſe by the ſaid Mayor, Bailiffs, and Burgeſſes, and the ſame to detain in the ſaid Pound or Place, until the Sum of Five Shillings, and the Expence of impounding ſuch Swine, Horſe, Beaſt, or Cattle, ſhall be fully paid and ſatisfied; and in caſe ſuch Penalty and Expence ſhall not be paid within Ten Days after ſuch Swine, Horſe, Beaſt, or Cattle ſhall be impounded, it ſhall and may be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Mayor, Bailiffs, and Burgeſſes, for that Purpoſe, to ſell or cauſe ſuch Swine, Beaſt or Cattle to be ſold, after Two Days Notice thereof ſhall have been affixed on the Door of the Market Place, and out of the Money ariſing therefrom, in the Firſt Place, deduct the Expences of ſuch Sale, and other Expences whatſoever, attending the impounding or keeping of the ſaid Swine, Horſe, Beaſt, or Cattle, ſo impounded as aforeſaid, and alſo the Penalty incurred as aforeſaid; and to pay over and render the Surplus, if any, of ſuch Money, to the Owner or Owners of the ſaid Swine, Horſe, Beaſt, or Cattle ſo impounded.

Penalty for injuring Sheds.

No Cattle to be foddered in the Market Place.

XII. And be it further enacted, That if any Perſon or Perſons ſhall deface or injure, or cauſe to be defaced or injured, any Shop, Shed, Stand, Stall, Column, Pavement, or other Building within the ſaid Market Place; or ſhall faſten or cauſe to be faſtened, any Horſe, Mare, Mule, Aſs, Beaſt, Sheep or Swine to any Column or otherwiſe, within the ſaid Market Place, or in the Streets of the ſaid Borough; or ſhall fodder or cauſe to be foddered any Horſe, Mare, Mule, Aſs, Beaſt, Sheep, or Swine in the ſaid Market Place, or in the Streets of the ſaid Borough; or ſhall ſuffer to remain any Cart or other Vehicle whatſoever, in the ſaid Market Place, or in the Streets of the ſaid Borough (except for ſuch Time as ſhall be neceſſary for loading or unloading the ſame), or ſhall load or unload ſuch Cart or other Vehicle, or ſuffer the ſame to be loaded or unloaded, or to be or remain in the ſaid Market Place or in the Streets of the ſaid Borough, at any other Place except ſuch Place as the Clerk of the Market for the Time being ſhall direct; or ſhall place or ſuffer to be placed any Block or Blocks, or other Nuiſances or Impediments whatſoever, in or upon the Footway under the Colonnades of the ſaid Market Place, at any Time between the Hours of Eight in the Morning and Eight in the Evening; then every Perſon ſo offending in any of the Acts aforeſaid, ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Application of Tolls of the Market and Penalties.

XIII. And be it further enacted, That the Tolls, Duties, Rents, and Sums of Money to be paid, and the Penalties and Forfeitures to be recovered as herein-before is mentioned (no Application of which is herein-before directed) ſhall be received and recovered by the ſaid Mayor, Bailiffs, and Burgeſſes, for their proper Uſe and Benefit, as a Compenſation to them for the Coſts and Expences of making, erecting, and maintaining the ſaid Market

Market Houſe and Market Place, and providing and paying the Salaries of the Officers aforeſaid.

Power to make Bye Laws.

XIV. And be it further enacted, That from and after ſuch Time as the ſaid Market Houſe and Market Place ſhall be built and completed by the ſaid Mayor, Bailiffs, and Burgeſſes, and the ſame uſed and eſtabliſhed as a Market, that it ſhall and may be lawful for the ſaid Mayor in virtue of his Office, from Time to Time to direct and appoint what particular Parts of the ſaid Market Houſe and Market Place ſhall be occupied and made uſe of for expoſing to ſale any particular Commodities, Matters, and Things therein, and to direct the Order and Arrangement thereof, and to fix and aſcertain the Time or Times at which all or any Goods, Articles, Wares, or Commodities, ſhall reſpectively begin to be offered or expoſed to Sale therein, and how long the ſame reſpectively ſhall continue expoſed to ſale; and alſo for the ſaid Mayor, Bailiffs, and Burgeſſes, from Time to Time to make, conſtitute, provide, and ordain ſuch Rules, Orders, and Bye Laws, for the better Regulation, Cleanſing, Occupying, and Government of the ſaid Markets, and for preventing unwholeſome Proviſions being ſold or offered, or expoſed to ſale therein, and deficient Weights and Meaſures being uſed; and for preventing Horſes and Carriages travelling or going through the ſaid Market Place, or remaining there, or any other Nuiſances or Obſtructions therein, or the Approaches to the ſame during the Times of holding the Market, and all ſuch other Regulations touching the ſaid Markets (not repugnant to any Thing in this Act contained, or contrary to any Law or Statute of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*) as the ſaid Truſtees ſhall deem expedient, and with ſuch Penalty for diſobeying the ſame, not exceeding Two Pounds for any one Offence, as they ſhall think fit; and from Time to Time to alter, vary, revoke, or make void, any ſuch Rules, Orders, Regulations, and Bye Laws; which Rules, Orders, Regulations, and Bye Laws, ſo as aforeſaid to be from Time to Time made, ſhall be printed and painted on a Board with a Black Ground, in White Letters, not leſs than One Inch in Length, and affixed on ſome conſpicuous Place in the ſaid Market Place, and ſhall be valid and effectual to all Intents and Purpoſes, as if the ſame had been expreſsly and ſeparately inſerted herein; but no ſuch Rules, Orders, Regulations, and Bye Laws, ſhall have any Force until Three Weeks after the ſame ſhall have been affixed in the ſaid Market Place as aforeſaid: Provided always, that ſuch Bye Laws, Rules, and Orders, and all Convictions for any Penalties or Forfeitures impoſed by virtue thereof, ſhall be liable and ſubject to appeal in Manner herein-after mentioned.

Commiſſioners for Paving, Lighting, &c.

XV. And be it further enacted, That *Nicholas Brooking*, *Robert Holdſworth*, *John Pollexfen Baſtard*, *Arthur Hunt*, *Arthur Howe Holdſworth*, *John Chater* Clerk, *Robert Holdſworth* Clerk, *Henry Joſeph Holdſworth*, *Henry Holdſworth*, *Nicholas Brooking* the younger, *Charles Holdſworth* Clerk, and *Edmund Pollexfen Baſtard*, being Maſters or Magiſtrates of the ſaid Borough, and the Maſters or Magiſtrates for the Time being of the ſaid Borough, and *John Seale*, *John Henry Seale*, *Lydſton Newman*, *Robert William Newman*, *Charles Hayne*, *William Newman*, *William Newman* the younger, *William Hockin*, *John Hine*, *Jonah Lavington Roope*, *Robert Harris*, *Robert Harris* the younger, *Richard Langworthy Hingston*, *Richard Langworthy Hingston* the younger, *William Cholwich Hunt*, *Jona-*

than Steed Puddicombe, John Puddicombe, John Browne Smith, John Teage, Walter Prideaux, Walter Prideaux the younger, *John Fox, George Porter, Thomas Brooking, Edward Dottin, George Maddick, Robert Hyne, William Follett, John Gibbs, James Salter, Robert Cranford, Thomas Maddick, Thomas Fox, Thomas Bennett, Martin Price Gibbs, John Geaves, George Phillipps,* and *John Penhey,* ſhall be and they are hereby appointed Commiſſioners for paving, lighting, widening, and otherwiſe improving the Streets of the ſaid Borough, and for putting this Act, as far as relates to the ſame reſpectively, into Execution; and when any of the Commiſſioners herein named, or at any Time to be elected in purſuance of this Act, ſhall die, or refuſe to act, or be rendered incapable of being a Commiſſioner, or of acting as ſuch in Manner herein-after mentioned, it ſhall and may be lawful for the Perſons ſeized or poſſeſſed of Freehold or Leaſehold Eſtates of the annual Value of Five Pounds within the ſaid Borough, and they are hereby required within Three Calendar Months from that Time, to elect One other Perſon, qualified as herein-after is mentioned, to ſupply the Place of each Commiſſioner ſo dying, or refuſing to act, or being rendered incapable of acting as herein-after is mentioned (Notice in Writing, ſigned by the Clerk for the Time being of the ſaid Commiſſioners, of ſuch Meeting, and of the Purpoſe and Intent thereof, being previouſly affixed on the Door of the Pariſh Church of *Saint Saviours*, and alſo on the Door of the Guildhall of the ſaid Borough, Twenty-one Days at leaſt, excluſive of the Day, and of the Day of Meeting); and every Perſon ſo elected is hereby veſted with the ſame Powers for putting this Act in Execution, and he is hereby authorized and empowered to act to all Intents and Purpoſes in as full, large, and ample a Manner as if he had been named a Commiſſioner in and by this Act.

Qualification of Commiſſioners.

XVI. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be either a Maſter or Magiſtrate of the ſaid Borough, or ſeized or poſſeſſed of Freehold or Leaſehold Eſtates within the ſaid Borough to the Amount or Value of Five hundred Pounds; and no Perſon ſhall be capable of acting as a Commiſſioner as aforeſaid, during the Time he ſhall be under any Contract relating to the Execution of any of the Powers of this Act; and the ſaid Commiſſioners at all their Meetings ſhall defray their own Expences.

No Perſon to act as a Commiſſioner without being duly qualified.

XVII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall act as a Commiſſioner in the Execution of this Act, without being duly qualified as aforeſaid, he or they ſhall for every ſuch Offence forfeit and pay the Sum of Two Pounds, to be recovered in any of His Majeſty's Courts at *Weſtminſter*, by any Perſon or Perſons who ſhall ſue for the ſame by Action of Debt, or on the Caſe, or by Bill, Suit or Information, wherein no Eſſoign, Protection, Privilege, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted or ſued, ſhall prove that he is qualified as aforeſaid or in default thereof, ſhall pay the ſaid Penalty, upon Proof being given of his having acted as a Commiſſioner in the Execution of this Act, as far as relates to the paving, lighting, widening, or improving the Streets of the ſaid Borough.

Meetings of Commiſſioners.

XVIII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet and aſſemble together at the

Guildhall in the ſaid Borough, on the laſt *Monday* in the next or ſucceeding Month after the paſſing of this Act, between the Hours of Ten of the Clock in the Forenoon, and Two of the Clock in the Afternoon, in order to put this Act into Execution, and ſhall and may from Time to Time by Adjournment meet and aſſemble together at the ſame Place; and all Orders and Proceedings of the ſaid Commiſſioners in the Execution of this Act, ſhall be at public Meetings held in purſuance of this Act, and not otherwiſe; and all Orders, Proceedings, Acts, Matters, and Things done by any Seven of the Commiſſioners named in or to be appointed by virtue of this Act, when the Number of Commiſſioners preſent does not exceed Thirteen, and when it does, by the Majority of the Commiſſioners preſent, ſhall be to all Intents and Purpoſes as valid and effectual as if the ſame were done and performed by all the ſaid Commiſſioners; and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be held, a ſufficient Number of Commiſſioners to act, and to adjourn to another Day, or if they ſhall omit or neglect to adjourn, or if there ſhall be any ſpecial Occaſion for any Meeting between the Time of any Adjournment, or at any other Time, then and in every ſuch Caſe their Clerk, or any Seven or more of the ſaid Commiſſioners, ſhall and may call a Meeting at ſuch Time as he or they ſhall think proper.

Notices to Commiſſioners.

XIX. Provided always, and be it enacted, That previous to any Meeting of the ſaid Commiſſioners in purſuance of this Act, ſubſequent to ſuch Firſt Meeting as aforeſaid, there ſhall from Time to Time be delivered or ſent to each of the ſaid Commiſſioners, or left at each of their Houſes or laſt Place of Abode within the ſaid Borough, a Note in Writing ſigned by their Clerk, or by Seven or more Commiſſioners, of the Time of every ſuch intended Meeting, which Notice ſhall be ſo delivered, ſent, or left Twenty Days at leaſt before every ſuch Meeting exclusive of the Day of delivering the ſame, and of the Day of holding ſuch Meeting.

Appointment of a Chairman.

XX. And be it further enacted, That at every Meeting of the ſaid Commiſſioners One of the Commiſſioners preſent ſhall be appointed Chairman, and in caſe of Equality of Voices or Votes of the Commiſſioners ſo aſſembled (including his own), ſuch Chairman ſhall upon all Occaſions have a caſting and deciſive Voice or Vote, and that no Act, Order, or Determination to be done or made at any of the ſaid Meetings ſhall be good or valid, unleſs the Majority of the Commiſſioners then preſent ſhall concur therein.

Entries to be made in Books of the Proceedings, &c.

XXI. And be it further enacted, That regular Entries ſhall be made in a proper Book or Books, to be provided for that Purpoſe, of the Names of the Commiſſioners who ſhall attend their reſpective Meetings, and of all their Acts, Orders, and Proceedings, and the Chairman of every ſuch Meeting ſhall ſubſcribe his Name at the End of the Proceedings of every ſuch Meeting, and all ſuch Entries being ſo ſigned ſhall be allowed to be read in Evidence in all Cauſes, Suits, and Actions relating to any Thing done in purſuance of this Act; and that every ſuch Book ſhall, at any of the Meetings of the ſaid Commiſſioners and at all other ſeaſonable Times, be open to the Inſpection of every Perſon to be rated or aſſeſſed for the Purpoſes of this Act.

XXII. And

Commiſſioners to be ſued, &c. in the Name of their Treaſurer or Clerk.

XXII. And be it further enacted, That the Commiſſioners appointed and to be appointed under this Act, ſhall and may ſue and be ſued, and take all Bonds and Securities in the Name or Names of their Treaſurer or Treaſurers, Clerk or Clerks, for the Time being, to be appointed under this Act; and that no Action or Suit which may be brought by or againſt the ſaid Commiſſioners, or any of them in relation to this Act, in the Name of their Treaſurer or Treaſurers, Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of ſuch Treaſurer or Treaſurers, Clerk or Clerks, or by the Act of him or them, without the Conſent of the ſaid Commiſſioners, as the Caſe may be; but the Treaſurer or Treaſurers, Clerk or Clerks, for the Time being, ſhall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every Action or Suit, as the Caſe may be.

Treaſurer and Clerk to be reimburſed all Coſts, &c.

XXIII. Provided always, That all and every ſuch Treaſurer or Treaſurers, Clerk or Clerks, ſhall be reimburſed, out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Damages, or Expences, as he or they ſhall be put unto or become charged or chargeable with, by reaſon of his or their being ſo made Plaintiff or Defendant, or Plaintiffs or Defendants as aforeſaid; provided that the ſaid Action or Defence (as the Caſe may be) ſhall be proſecuted, carried on, and continued, with the Conſent of the ſaid Commiſſioners.

Appointment of Officers, &c.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and may, from Time to Time, whenever they think neceſſary, by Writing under their Hands, appoint and employ a Treaſurer and Clerk, and Aſſeſſor or Aſſeſſors, Collector or Collectors of the Rates or Aſſeſſments to be made as herein-after directed, and alſo a Surveyor and ſuch other Officers and Perſons, as they ſhall think neceſſary to employ in the Execution of this Act, and ſhall from Time to Time take ſuch Security from every ſuch Treaſurer and Collector for the due Execution of their reſpective Offices, as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners may remove and diſplace any ſuch Officer and Perſon from Time to Time whenever they ſhall think proper; and ſhall and may, out of the Monies to be raiſed by virtue of this Act, allow and pay to every ſuch Treaſurer, Clerk, Surveyor, Aſſeſſor, or Collector, and other Officer and Perſon to be employed as aforeſaid, ſuch Salary or Allowance as they the ſaid Commiſſioners ſhall think reaſonable; and that every ſuch Treaſurer, Clerk, Surveyor, Aſſeſſor, Collector, and other Officer, to be appointed as aforeſaid, ſhall from Time to Time, as often as thereunto required by the ſaid Commiſſioners, render and give to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint, a true, fair, and particular Account in Writing of all Monies which ſhall have been by him collected or received by virtue of this Act, and how, to whom, and on what Account any ſuch Monies ſhall have been paid, together with the proper Receipts and Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as upon the Balance of ſuch Accounts ſhall appear to be in his Hands, to the ſaid Commiſſioners, or to ſuch Perſon, and at ſuch Time as they ſhall direct and appoint; and if any ſuch Officer ſhall refuſe or wilfully neglect to render or give ſuch Account as aforeſaid, or to produce and deliver up to the ſaid Commiſſioners the Receipts and Vouchers relating to the ſame, or to deliver up to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall for that Purpoſe appoint, within Ten Days next after being thereunto required,

Officers Salaries.

Officers to render Accounts.

required, by Writing under the Hands of any Seven or more of the ſaid Commiſſioners, all Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of his Office or of this Act, or ſhall refuſe or neglect to pay all ſuch Money as upon the Balance of any ſuch Account ſhall appear to be in his Hands, to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall direct or appoint, and Complaint ſhall be made by the ſaid Commiſſioners, or by ſuch Perſon as they ſhall appoint for that Purpoſe, of any ſuch Neglect or Refuſal as aforeſaid, to any Juſtice of the Peace of the ſaid Borough, or the County or Place wherein ſuch Officer ſhall be or reſide, ſuch Juſtice is hereby empowered to ſummon the Officer, againſt whom ſuch Complaint ſhall be made, to appear before him at a Time and Place in ſuch Summons to be mentioned, and upon his appearing or not appearing, the Service of ſuch Summons being proved by the Oath of any credible Witneſs (which Oath ſuch Juſtice is hereby empowered to adminiſter), to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of any Officer againſt whom ſuch Complaint ſhall be made, or by the Oath of any credible Witneſs, it ſhall appear to ſuch Juſtice that any of the Money which ſhall have been collected or raiſed by virtue of this Act ſhall be due from ſuch Officer, the ſaid Juſtice may, upon Non-payment thereof within ſuch reaſonable Time as he may appoint, by Warrant under his Hand and Seal, cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer, rendering the Overplus (if any) to ſuch Officer upon Demand, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and if ſufficient Goods and Chattels of ſuch Officer cannot be found to anſwer and ſatisfy ſuch Money, and the Coſts and Charges of levying and raiſing the ſame, or if ſuch Officer ſhall not appear before the ſaid Juſtice at the Time and Place by him to be appointed in ſuch Summons, and it ſhall in Manner aforeſaid appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or wilfully neglected to render and give ſuch Account as aforeſaid, or produce the Vouchers relating thereto, or to deliver up ſuch Books, Papers, and Writings as aforeſaid, the ſaid Juſtice is hereby authorized, by Warrant under his Hand and Seal, to cauſe ſuch Officer to be committed to the Common Gaol or Houſe of Correction of the ſaid Borough, there to remain, without Bail or Mainprize, until he ſhall have delivered in his Account as aforeſaid, and ſhall have produced and delivered up the Receipts and Vouchers relating thereto, or delivered up ſuch Books, Papers, and Writings, or given Satisfaction to the ſaid Commiſſioners concerning the ſame, and ſhall have paid all Monies which ſhall appear to be in his Hands, and the Charges attending the Recovery thereof, or ſhall have compounded with the ſaid Commiſſioners for the ſame, which Compoſition the ſaid Commiſſioners are hereby empowered to make and receive; but no Officer who ſhall be committed on account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Term than Three Calendar Months: Provided always, that if any Money ſhall remain due from ſuch Officer, the Commitment of him to Priſon ſhall not be deemed a Diſcharge for the ſame, nor exonerate his Surety or Sureties, but ſuch Officer and his Surety and Sureties ſhall ſtill remain liable to the Payment thereof, in the ſame Manner as if ſuch Officer or Perſon, Officers or Perſons, had not been committed to Priſon.

Juſtice to diſtrain for Money due from Officers.

Juſtice to iſſue Warrant and commit Officers, &c.

Rates to be made.

XXV. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to make a Rate or Aſſeſſment neceſſary for the defraying the Charges and Expences of carrying the Purpoſes of this Act into Execution, except as is herein-after provided, Twice in every Year or oftener, if it ſhall be thought neceſſary by the ſaid Commiſſioners, or any Seven or more of them; which ſaid Rates or Aſſeſſments ſhall be laid and aſſeſſed in and upon all and every the Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments within the ſaid Borough, (Arable, Meadow, Paſture, Tillage and Wood Land only excepted) in ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall yearly and every Year order and direct; ſo as ſuch Rates and Aſſeſſments do not exceed in the Whole the Sum of Two Shillings and Sixpence in the Pound, in any One Year, of the yearly Value of ſuch Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments; and ſo as that the ſaid Houſes, Buildings, Yards, Gardens, Lands, and Hereditaments, be not in any Caſe rated at a leſs Annual Value than the ſame ſhall be rated at in the Aſſeſſment made for the Relief of the Poor of the Pariſh in which ſuch Houſes, Buildings, Yards, Gardens, Lands and Hereditaments are reſpectively ſituated.

Power to collect Rates.

XXVI. And to the end that the ſaid Rates and Aſſeſſments may be the more effectually collected and received, be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers of the ſeveral Houſes, Wharfs, Storehouſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments within the ſeveral Pariſhes in the ſaid Borough, are and ſhall be liable to pay the Whole of ſuch Rates to the Collector or Collectors to be appointed by the ſaid Commiſſioners; and upon Payment thereof, ſuch Tenant or Tenants, Occupier or Occupiers ſhall be at Liberty, and is and are hereby authorized to deduct and retain out of his, her, or their Rent or Rents, ſuch Proportion of ſuch Rates, as he, ſhe, or they ſhall reſpectively pay on account of the ſeveral Landlord or Landlords, Owner or Owners of ſuch Houſes, Wharfs, Storehouſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, and ſhall be hereby ſaved and kept harmleſs from any further Payment than the Balance which ſhall be due after ſuch Deduction, to any Perſon or Perſons to whom any ſuch Rent or Rents ſhould or ought to be paid.

Rates to be amended.

XXVII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may have Power to amend any ſuch Rates or Aſſeſſments, by inſerting or cauſing to be inſerted, the Name or Names of any Perſon or Perſons who ought to have been rated, and ſhall appear to have been omitted therein, or by expunging the Name or Names of any Perſon or Perſons whoſe Name or Names ſhall have been inſerted in any ſuch Rate or Aſſeſſment, and who ought not to be rated; or by varying, altering, raiſing, or reducing the ſeveral and reſpective Sum and Sums of Money which ſhall be charged, rated, or aſſeſſed in ſuch Rate or Aſſeſſment upon any Perſon or Perſons whomſoever; and that after the ſaid Rates or Aſſeſſments are ſo made, the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, and they are hereby authorized and required to cauſe the ſame to be collected and received as ſoon as may be, of and from the Perſon and Perſons reſpectively on whom the ſame ſhall be rated, charged, and aſſeſſed.

XXVIII. And

Appointment of Collectors.

XXVIII. And be it further enacted, That when and ſo ſoon as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall have been ſo rated and aſſeſſed, and ſigned and allowed by the ſaid Commiſſioners as aforeſaid, the Collector or Collectors appointed by the ſaid Commiſſioners, and which Collector or Collectors they ſhall and may have full Power to appoint, ſhall, and he and they is and are hereby required to collect the ſame accordingly; and in caſe any Perſon or Perſons who ſhall be rated or aſſeſſed, or ſubject or liable to the Payment of any Rate or Aſſeſſment to be made or laid, or made payable by virtue of this Act, ſhall refuſe or neglect to pay ſuch Rate or Aſſeſſment to any Collector to be appointed as aforeſaid, on his producing to the Perſon or Perſons on whom the ſaid Demand ſhall be made, the ſaid Rate or Rates ſo ſigned by the Commiſſioners, or any Seven or more of them, for the Space of Seven Days next after Perſonal Demand made by the Collector or Collectors thereof, or Demand in Writing under the Hand of ſuch Collector or Collectors, and left at the laſt or uſual Place of Abode of the Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, or on the Premiſes ſo charged with ſuch Rate or Aſſeſſment, then and in every ſuch Caſe it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Borough, after having firſt duly ſummoned ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, by Warrant under his Hand and Seal, to authorize and direct the ſaid Collector, or any other Perſon, to levy ſuch Rate or Aſſeſſment, and all Arrears thereof, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, or on the Goods and Chattels ſo found on ſuch Premiſes, rendering the Overplus (if any) to the Owner or Owners of the Goods and Chattels to be ſo diſtrained, on Demand, after deducting the Coſts and Charges of recovering the ſame, and of ſuch Diſtreſs and Sale; or it ſhall and may be lawful to and for the ſaid Commiſſioners to recover any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, due and payable by virtue of this Act, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed.

Power to inſpect Poor Rates, &c.

XXIX. And be it further enacted, That it ſhall be lawful for the Clerk or Clerks to the ſaid Commiſſioners, from Time to Time and at all convenient Time or Times, to inſpect the Book or Books of Aſſeſſments or Rates of the Land Tax or Aſſeſſed Taxes, for the better aſcertaining the Rates and Aſſeſſments to be raiſed and levied by virtue of this Act, and to take Copies thereof (if neceſſary) at the Expence of the ſaid Commiſſioners; and the Clerk or Clerks, Collector or Collectors, for the Time being, to the Commiſſioners of the Land Tax or of the Aſſeſſed Taxes, acting from Time to Time for the Diviſion wherein the ſaid Borough is ſituate, ſhall, and are hereby directed and required to permit ſuch Clerk or Clerks at all ſeaſonable Times to inſpect the ſaid Books, and to take Extracts from them, or to make Copies of the ſame, paying the Sum of One Shilling for every ſuch Inſpection.

Power to raiſe Money.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall ſee neceſſary for the Purpoſes of this Act, not exceeding in the Whole the Sum of Two thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be laid

and collected by virtue of this Act, and by Writing under their Hands and Seals to assign all or any of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with any legal Interest for the same; and the Costs and Expences of such Assignment thereof, to be made as herein-after mentioned, shall be from Time to Time defrayed by the said Commissioners out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following:

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

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, and Assigns, to the Payment thereof, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

Power to grant Annuities.

XXXI. And be it further enacted, That in case the said Commissioners shall think it advisable or more advantageous to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives, instead of Assignments as aforesaid, it shall be lawful for any Seven or more of the said Commissioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money, which to the said Commissioners shall seem right and proper for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor at the Time of Payment of his or her Contribution or Purchase Money; provided that no such Annuity shall exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, and the Expence of every such Grant shall be defrayed by the said Commissioners; and the Grant of every such Annuity shall be in the Words or to the Effect following:

'WE, of the Commissioners, appointed by or in pursuance of an Act of Parliament passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled [*here set forth the*

'*Title*

'*Title of this Act*] in Consideration of the Sum of
'paid by *A. B.* to *C. D.* the Treasurer appointed in pursuance of the said
'Act, do hereby grant unto the said *A. B.* an Annuity or yearly Sum of
' out of the Rates or Assessments granted or arising by
'virtue of the said Act; which Annuity or yearly Sum of
'shall be paid to the said *A. B.* or his Assigns during the Term of his
'natural Life [*or*, to the said *A. B.* his Executors, Administrators, or
'Assigns, during the natural Life of *C. D. as the Case may be*] upon the
' Day of in every Year during the natural
'Life of him the said at the the
'First Payment thereof to be made on the Day of
'next ensuing the Date hereof: In witness whereof we the said Commis-
'sioners have hereunto set our Hands and Seals, the Day of
' in the Year .'

And every such Grant shall be good, valid, and effectual in the Law to all Intents and Purposes, without any Inrolment or Registry of the Memorial thereof; and every Annuity, so granted as aforesaid, shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Commissioners out of the said Rates or Assessments, and other Money to be received by virtue of this Act, according to the Grant of such Annuity. Power to transfer Securities.

XXXII. And be it further enacted, That it shall and may be lawful to and for the Person or Persons entitled to any of the Securities for the Money to be borrowed at such legal Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, and Assigns (as the Case may be) at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following:

'I *A. B.* being entitled to the Sum of or an Annuity
'of secured to *C. D.* and his Assigns [*or*, his
'Executors, Administrators, or Assigns, *as the Case may be*] by virtue of
'an Assignment or Grant of Annuity bearing Date the Day
'of under the Hands and Seals of of the Com-
'missioners acting in the Execution of an Act of Parliament passed in
'the Fifty-fifth Year of the Reign of King *George* the Third, intituled
'[*here set forth the Title of this Act*] upon the Credit of the Rates or
'Assessments granted or payable by the said Act, do hereby transfer all
'my Right and Title in and to the same Sum [*or*, Annuity] and all
'Interest and other Money now due and owing thereon, unto *E. F.*
'his Executors, Administrators, and Assigns. Dated this
'Day of .'

And a Copy of every Security or Assignment and of every Grant or Annuity which shall have been made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book, to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Date, Names of the Parties and Sums of Money thereby transferred, to which Book any Person interested shall at all seasonable Times have Access, and have free Liberty to inspect the same 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 Two Shillings and Sixpence, and no more; and every ſuch Transfer, after Entry thereof as aforeſaid, ſhall entitle the Perſon to whom the Transfer ſhall be made, and his or her Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred, without any other Regiſtry or Inrolment whatſoever.

Power of receiving Rates in caſe of Nonpayment of Principal Money borrowed.

XXXIII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall advance or lend any Money upon the Credit of the ſaid Rates or Aſſeſſments, in default of Payment of the Intereſt of the Principal Money which they ſhall ſo lend, or in default of due Payment of any Annuities that ſhall be ſecured to them thereupon (after demand made at any Meeting of the ſaid Commiſſioners, or on Thirty Days Notice being given to the Clerk or Treaſurer to the ſaid Commiſſioners) to collect, gather, and receive ſuch Proportion of the ſaid yearly Rates or Aſſeſſments by this Act granted, as the Sum by them lent or advanced doth or ſhall bear to the whole Money to be borrowed on the Credit of this Act; and ſhall continue to receive the ſame, until all ſuch Intereſt and all ſuch Sum or Sums of Money as ſhall be due by way of Annuity (as the Caſe may be) ſhall be fully paid, as alſo the Coſts and Charges attending ſuch Collection; and ſuch Perſon or Perſons is and are hereby veſted with the ſame Power for recovering and receiving ſuch Rates or Aſſeſſments as is hereby given to the ſaid Commiſſioners.

Pavement, &c. of Streets veſted in Commiſſioners.

XXXIV. And be it further enacted, That from and after the paſſing of this Act, the Property of and in the ſeveral Streets, Lanes, Carriageways, Footways, and other public Paſſages within the ſaid Borough, between a Houſe known by the Sign of the *Ship in Dock Inn* on the North, and a Houſe called *Stoke Cliffe*, now occupied by *James Farquharſon* on the South, and on the North Weſt as far as a Hill called *Ford Hill*, and on the Weſt as far up a Hill called *Crowders Hill*, as the Conduit there, and including the Roads called *North* and *South Ford Lanes*, and *above Town*, already ſet out and made or hereafter to be ſet out and made, and of and in all the Stone, Gravel and other Materials of which the ſame do or may conſiſt, and alſo all the Dirt, Duſt, Dung, Aſhes, and Filth to be ſwept, gathered, and collected to or from thoſe Places, or any of them, and alſo all Lamps, Lamp Irons, and Lamp Poſts, which now are or which hereafter ſhall be erected or fixed within the ſaid Borough by the ſaid Commiſſioners acting by virtue of this Act, together with all Watch Houſes and Watch Boxes which ſhall be erected, and all Materials, Implements, and other Things thereunto belonging, or which ſhall be purchaſed or provided by virtue or for the Purpoſes of this Act, ſhall belong to, and be the Property of, and are hereby veſted in the ſaid Commiſſioners; and the ſaid Commiſſioners ſhall and may cauſe any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, as the Caſe may require, againſt any Perſon who ſhall ſteal, take, or carry away, detain, ſpoil, injure, or deſtroy the ſeveral Articles and Things hereby veſted in them, or any Part or Parts thereof; and in ſuch Actions and Bills of Indictment reſpectively, it ſhall be and be deemed and taken to be ſufficient to ſtate generally that the Article or Articles, Thing or Things, for or on account of which ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or

are "the Property of the Commiſſioners for improving the Borough of "*Clifton Dartmouth Hardneſs*, in the County of *Devon*," without particularly ſtating or ſpecifying the Name or Names of all or any of the ſaid Commiſſioners; and the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority from Time to Time, to ſell and diſpoſe of, for the Purpoſes of this Act, all or any of the ſaid Articles and Things, or any Part or Parts of the ſame reſpectively, which may be no longer neceſſary for the Purpoſes of this Act, to ſuch Perſon or Perſons, and in ſuch Manner as they the ſaid Commiſſioners ſhall think proper.

Penalty for breaking Articles, &c.

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly break up, injure, deſtroy, or otherwiſe damage any of the Articles or Things hereby veſted in the ſaid Commiſſioners, or any of the Works done by them in purſuance of this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, over and above and together with the Amount of the Expences of repairing ſuch Injury or Damage ſo to be done.

Materials for repairing Streets to be lodged in adjoining Streets.

XXXVI. And be it further enacted, That during the Time any Street, Lane, Public Paſſage, or Place ſhall be new paving, flagging, altering, or repairing, the ſaid Commiſſioners ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street, Lane, Public Paſſage, or Place, according to their Diſcretion, as alſo to ſtop up the Way through that or any adjacent Street or Lane, Public Paſſage or Place, ſo long as may be neceſſary for the Purpoſe of ſuch new flagging, paving, or repairing; and the ſaid Commiſſioners, and all Perſons acting under their Direction, are hereby indemnified from any Proſecution or Action whatſoever for ſo doing.

Power to new pave Streets, &c.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time to cauſe the ſeveral Streets, Lanes, and other public Paſſages and Places within the ſaid Borough, both in the Carriageways and Footways, to be paved, pitched, flagged, repaired, relaid, and mended and altered; and the ſaid Streets, Lanes, public Paſſages, and Places to be cleanſed and lighted; and Gutters, Sinks, Drains, and Sewers to be cut or made in, through, or under any of the ſaid Streets, Lanes, public Paſſages, and Places; and any of the Gutters, Sinks, Drains, and Sewers already made therein to be opened or widened, and the Form or Courſe thereof altered, by cutting through any Lands or Grounds within the Precincts of the ſaid Borough (Dwelling Houſes, Storehouſes and Cellars excepted) for the Purpoſe of carrying off and diſcharging the Filth and foul Water which may paſs into the ſaid Gutters, Sinks, Drains, and Sewers; and the Ground of any of the ſaid Streets, Lanes, and other public Paſſages and Places, to be raiſed, lowered, or altered, in ſuch Manner as the ſaid Commiſſioners ſhall think expedient, neceſſary, or proper, according to the true Intent and Meaning of this Act; and that if any Perſon or Perſons ſhall take up or cauſe to be taken up, or make or cauſe to be made, any Alteration in the Form of the Pavement, Flagging, or Pitching, or of any Part thereof, within any of the ſaid Streets, Lanes, public Paſſages, or Places, without the Conſent of the ſaid Commiſſioners, or any Seven or more of them, in Writing for that Purpoſe firſt had and obtained, every ſuch Perſon ſo offending ſhall for

To make Sewers.

No Perſon to alter the Pavement without Conſent of the Commiſſioners.

for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings; and in caſe the Perſon or Perſons taking up or altering any ſuch Pavement, Pitching, or Flagging, or any Part of the ſame reſpectively, ſhall not within Seven Days after Notice in Writing by the Surveyor to the ſaid Commiſſioners, or by ſome other Perſon or Perſons under their Direction, given to or left at the laſt or uſual Place or Places of Abode of ſuch Perſon or Perſons, cauſe the ſame Paving, Pitching, or Flagging reſpectively, which ſhall have been ſo altered or taken up, to be reinſtated and put into its former State; then and in every ſuch Caſe the Surveyor to the ſaid Commiſſioners ſhall cauſe the ſame to be ſo done, and the Coſt and Charges thereof ſhall be borne and paid by the Perſon or Perſons who ſhall have taken up or altered ſuch Pavement, Pitching, or Flagging, or any Part thereof reſpectively; and in caſe of Non-payment thereof on demand to the ſaid Surveyor or other Perſon, by or under the Authority of the ſaid Commiſſioners, ſuch Coſts and Charges ſhall and may be levied and recovered in ſuch and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Commiſſioners may contract for new paving Streets.

XXXVIII. And be it further enacted, That the ſaid Commiſſioners may and they are hereby authorized and empowered from Time to Time, to contract with any Perſon or Perſons for paving, flagging, repairing, cleanſing, and lighting the ſaid Streets, Lanes, public Paſſages and Places within the ſaid Borough, and for furniſhing Materials for the ſame, and for doing or performing all or any other of the Works by this Act directed to be done or performed, in ſuch Manner and under ſuch Penalties for the due Performance of ſuch Contracts as they ſhall think fit, giving Fourteen Days Notice of their Intention of entering into every ſuch Contract, in order that any Perſon willing to undertake the ſame may make Propoſals to the ſaid Commiſſioners at the Time and Place to be mentioned in ſuch Notice; and every ſuch Contract ſhall be good, valid, and binding, as well upon the ſaid Commiſſioners as upon the other Party or Parties thereto; and in caſe any ſuch Work ſhall not be well and ſufficiently done and performed according to ſuch Contract, the ſaid Commiſſioners may cauſe an Action or Suit to be brought in any of His Majeſty's Courts of Law or Equity againſt every ſuch Contractor, either for a ſpecific Performance of ſuch Contract or for any Penalty contained therein, or for any Damage ſuſtained by reaſon of the Non-performance thereof: Provided always, that it ſhall be lawful for the ſaid Commiſſioners (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Non-performance of any ſuch Contract, for ſuch Sum of Money as the ſaid Commiſſioners ſhall think proper, not being leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract, and all Coſts, Charges, and Expences which ſhall be occaſioned thereby: Provided alſo, that no ſuch Contract ſhall be made for a longer Space of Time than Two Years from the Time of entering into ſuch Contract.

Commiſſioners to purchaſe Lamps, &c.

XXXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered from Time to Time, and at any Time or Times after the paſſing of this Act, to purchaſe and provide ſuch and ſo many Glaſs Lamps, of ſuch Sorts and Sizes, and ſuch and ſo many Lamp Irons and Lamp Poſts, and other Things for lighting ſuch Lamps, as they ſhall judge neceſſary, and

and to direct the ſame to be affixed or ſet up on or againſt the Walls or Paliſadoes of all or any of the Houſes, Tenements, or Buildings, or againſt any other Walls within the ſaid Borough, or in any other Manner which they ſhall think proper and convenient, and to be taken down, altered, or renewed, when and ſo often as they ſhall think fit; and to cauſe ſuch Lamps or any of them to be lighted at ſuch Seaſons of the Year, on ſuch Evenings, and at ſuch Hours of the Evening, and to be kept burning for ſo many Hours, as ſhall to them the ſaid Commiſſioners ſeem neceſſary or proper for the well and ſufficient Lighting of all or any of the ſaid Streets, Lanes, public Paſſages or Places within the ſaid Borough.

Penalty for breaking Lamps, &c.

XL. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, take away, throw down, or otherwiſe deſtroy or damage any Lamp or Lamps already erected, or which ſhall be erected by, or by the Order of the ſaid Commiſſioners, or by any Perſon or Perſons at his, her, or their own Expence, for the Purpoſe of lighting any of the ſaid Streets, Lanes, public Paſſages or Places, or any Poſt, Iron, Cover, or other Furniture thereof, or ſhall wilfully extinguiſh the Light or Lights of any ſuch Lamp or Lamps, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Borough, and he is hereby required, upon Complaint to him made, by any Perſon or Perſons, of any ſuch Offence having been committed, to iſſue a Warrant for apprehending the Party or Parties accuſed; or it ſhall and may be lawful to and for any Perſon or Perſons who ſhall ſee ſuch Offence committed, to apprehend, and alſo for any Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Borough; and on the Party or Parties accuſed being brought before ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath, any Witneſs or Witneſſes who ſhall appear or be produced to give Evidence touching ſuch Offence; and if the Party or Parties accuſed, ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Evidence as aforeſaid, then and in every ſuch Caſe, he, ſhe, or they ſhall, for each and every ſuch Offence reſpectively, and if more than One, ſhall ſeverally forfeit any Sum not exceeding Five Pounds, and ſhall alſo make full Satisfaction (to be aſcertained by ſuch Juſtice) to the ſaid Commiſſioners, or the Party injured, for the Damage ſo done; and in caſe ſuch Offender or Offenders ſhall not upon Conviction, forthwith pay ſuch Penalty by him, her, or them incurred, and alſo ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit ſuch Offender or Offenders to the Common Gaol for the ſaid Borough, or of the ſaid County, there to be kept to hard Labour, for any Time not exceeding Three Calendar Months; but ſuch Offender or Offenders may be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be committed, upon Payment of ſuch Penalty, and making ſuch Satisfaction as aforeſaid; and One-Half of the ſaid Penalty or Penalties when recovered, ſhall be paid to the Informer or Informers, and the other Half thereof to the Treaſurer of the ſaid Commiſſioners, to be applied for the Purpoſes of this Act; and if any Perſon or Perſons ſhall negligently or accidentally break, throw down, or otherwiſe deſtroy, damage, or injure any of the ſaid Lamps, or any of the Poſts, Irons, or Furniture thereof, and ſhall not upon Demand made by the ſaid Commiſſioners, or by their Treaſurer or Clerk, make Satisfaction for the Damage

ſo done, it ſhall be lawful for any Juſtice of the Peace for the ſaid Borough, and he is hereby required, upon Complaint thereof made, by one or more credible Witneſs or Witneſſes, by Warrant under his Hand, to ſummon before him the Party or Parties complained of for doing ſuch Damage; and upon his or their appearing, or making default to appear (Oath having been made that the Party complained againſt had been ſerved with ſuch Summons, or that the ſame had been left at his, her, or their uſual Dwelling or Place of Abode if known, or that he, ſhe, or they could not be found) ſuch Juſtice ſhall proceed to examine the Cauſe of ſuch Complaint, and upon Proof thereof, either by Confeſſion of the Party, or by the Oath of one or more Witneſs or Witneſſes, ſhall award and order ſuch Satisfaction to be made by the Party or Parties complained againſt for the Damage ſo done, as to ſuch Juſtice ſhall ſeem juſt and reaſonable; and in caſe the Sum awarded ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby required to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons complained againſt, rendering to him, her, or them, upon Demand, the Overplus (if any) after ſuch Sum ſo awarded, and the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, ſhall be paid.

Signs, &c. to be removed, &c.

XLI. And be it further enacted, That all Signs or other Emblems, uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, Sign Poſts and Sign Irons, Penthouſes, Show Boards, Stalls, Window Shutters and Flaps, Cellars, Cellar Doors, and all Steps leading thereto or therefrom, Porches, Sheds, Butchers Stalls, Bulks and Gallows, Shambles, Blocks or Pieces of Timber, Chopping Blocks, Pumps, Watering Tubs or Troughs, Poſts, Rails and Stumps, projecting into or ſtanding or being in the ſaid Streets, Lanes, Ways, or Paſſages, which ſhall be by the ſaid Commiſſioners, or any Seven or more of them, deemed Nuiſances and Obſtructions or Annoyances, ſhall be taken down and removed within Six Calendar Months after the paſſing of this Act, and that all Signs or other Emblems as aforeſaid, ſhall be affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto the ſame reſpectively belong or were before affixed, and not otherwiſe; and in caſe the Owners or Occupiers ſhall neglect ſo to do, after having received Three Calendar Months Notice in Writing from the ſaid Commiſſioners or their Clerk or Surveyor for that Purpoſe, before the Expiration of the ſaid Six Calendar Months, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to cauſe ſuch Signs, Emblems, Sign Poſts, Sign Irons, Penthouſes, Show Boards, Stalls, Window Shutters and Flaps, Cellars, Cellar Doors and Steps leading thereto and therefrom, Porches, Sheds, Butchers Stalls, Bulks and Gallows, Shambles, Blocks or Pieces of Timber, Chopping Blocks, Pumps, Watering Tubs, or Troughs, Poſts, Rails and Stumps, and all other Encroachments, Nuiſances, or Annoyances whatſoever, to be taken down and removed, and ſhall cauſe all ſuch Signs or other Emblems as aforeſaid to be affixed or placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong or were before affixed, and not otherwiſe; and the Charges and Expences attending the ſame ſhall and may be recovered of the Owners or Occupiers thereof reſpectively, in the ſame Manner as the Charges and Expences of cleanſing and lighting the ſaid Streets are directed to be recovered; and if any Perſon or Perſons ſhall at any Time or Times hereafter, without the Conſent of

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the ſaid Commiſſioners, or any Seven or more of them, firſt had and obtained in Writing, hang, place, or erect any Sign or Sign Poſt or other Poſt, Sign Iron, Penthouſe, Show Board, Stall, Window Shutter or Flap, Porch, Shed, Butchers Stall, Bulk or Gallows, Shamble, Block or Piece of Timber, Chopping Block, Pump, Watering Tub or Trough, Poſt, Rail or Stump, or ſhall continue or place any Step leading into any Cellar or Vault, or other Encroachment, Nuiſance, or Annoyance whatſoever, or cauſe the ſame to be done contrary to the Directions aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, and the further Sum of Two Shillings for every Day ſuch Offence ſhall continue; and it ſhall be lawful for the ſaid Commiſſioners, at the Coſts and Charges of the Owner or Owners thereof, to be recovered as aforeſaid, to cauſe the ſame to be taken down and removed, without any further Notice to be given to the Owner or Owners, Tenants or Occupiers, to take down and remove the ſame.

Projections to be removed.

XLII. And be it further enacted, That all Bulks and Bulk Saſhes of the Baſement Story, which have been erected, built, or made to any Houſe, Workſhop, or other Building in the ſaid Borough, which ſhall be deemed or adjudged Annoyances by the ſaid Commiſſioners, by Writing under their Hands, ſhall be altered and regulated in ſuch Manner as not to project more than Twelve Inches from or over the Baſe Line of the ſaid Houſe, Workſhop, or other Buildings in any Street, Lane, Way, or Paſſage in the ſaid Borough, upwards of Eight Yards in breadth; and all Bulks and Bulk Saſhes which have been erected, built, or made to any Houſe, Workſhop, or other Buildings, in any Street, Lane, Way, or Paſſage, not more than Eight Yards in breadth, ſhall be removed and wholly taken away by the Owners or Proprietors thereof reſpectively, within Three Calendar Months after Notice given for that Purpoſe, by Writing under the Hand of the Clerk of the ſaid Commiſſioners for the Time being, to be left at the Houſes or other Buildings before which the ſame ſhall reſpectively ſtand, in caſe of the ſame being then inhabited; and if ſuch Houſe or other Building ſhall not be inhabited, then ſuch Notice to be placed on the Door or ſome other conſpicuous Part of the Houſe or other Building; and in caſe of ſuch Owners or Proprietors refuſing or neglecting to alter, regulate, or remove and wholly take down ſuch Bulks or Bulk Saſhes within ſuch Time, then and in either of the Caſes aforeſaid, it ſhall be lawful for the ſaid Commiſſioners to cauſe all ſuch Bulks or Bulk Saſhes to be altered, regulated, removed, or wholly taken down, as the Caſe ſhall require, and to ſell ſuch Bulks or Bulk Saſhes, or ſuch Parts thereof as ſhall be taken down as aforeſaid, returning to the Owners the Overplus of the Produce thereof, after defraying all Charges and Expences of altering, regulating, or taking down and ſelling the ſame, if any ſuch Surplus ſhall be.

Spouts, &c. to be taken down.

XLIII. And be it further enacted, That all Spouts and Gutters belonging to and which convey Water from the Tops of the Houſes, Warehouſes, Shops or other Buildings, directly into the ſaid Streets, Lanes, Ways, or Public Places within the ſaid Borough, and all Sewers, Gutters, Drains, or Sinks conveying any Water, Sock, Filth, or other Material or Thing from any Houſes, Buildings, Yards, or Premiſes within the ſaid Borough, ſhall within Three Calendar Months after the paſſing of this Act, be removed or covered, and the Water or other Material or Thing, and alſo the Rain Water

Water falling on the Roofs of Houſes, ſhall be conveyed by Pipes to be brought down by the Sides or Fronts of ſuch Houſes, Warehouſes, Shops, or other Buildings, Yards, and Premiſes into ſome underground Sewer, or into ſome Ciſtern, Reſervoir, or Kennel, at the Coſts and Charges of the reſpective Owners or Proprietors thereof; and in caſe the ſame ſhall not be done within the Time aforeſaid, or within the Space of Twenty-one Days next after Notice to be given by the ſaid Commiſſioners, or their Clerk or Surveyor, for the Time being, the Occupier of every ſuch Houſe, Warehouſe, Shop, or other Building, ſhall forfeit and pay the Sum of Two Shillings for each and every Day any ſuch Spout or Gutter, Sewer or Drain ſhall remain, and the Water or other Material or Thing not conveyed down as aforeſaid, after the Time herein-before limited; and it ſhall and may be lawful to and for any Tenant or Tenants of any ſuch Houſes, Warehouſes, Shops, or other Buildings aforeſaid, and they are hereby required (in caſe of Neglect or Refuſal by the reſpective Owners or Proprietors thereof) to alter ſuch Spouts and Gutters, in Manner herein-before directed, and ſuch Tenant or Tenants ſo altering ſuch Spouts and Gutters, Sewer or Drain, ſhall and may retain and deduct the Expence out of his, her, or their next Rent or Rents, and their reſpective Landlords are hereby required to allow the ſame, and that if any Perſon or Perſons ſhall hereafter erect or make or cauſe to be erected or made, any Spout or Gutter, Drain or Sewer, for conveying Water or other Material or Thing from any old or new Houſe, Warehouſe, Shop, or other Building and Premiſes, in any Manner contrary to the Directions and true Meaning of this Act as aforeſaid, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds, and alſo the further Sum of Ten Shillings for every Week ſuch Spout or Gutter ſhall remain.

To compel Perſons to build in a regular Line with other Houſes.

XLIV. And be it further enacted, That whenever any Houſe or other Building ſtanding in any Street, Lane, Way, or Paſſage, within the ſaid Borough, and projecting beyond the regular or perpendicular Line of ſuch Street, Lane, Way, or Paſſage, or of the Range of Buildings adjoining thereto, ſhall be taken down and rebuilt, it ſhall be lawful for the ſaid Commiſſioners, if they think proper, to require and compel the Owner or Owners thereof, when the ſame ſhall be rebuilt, to cauſe ſuch Houſe or other Building to be ſet back, in and according to ſuch regular or perpendicular Line as aforeſaid, and to give ſuch Directions and make ſuch Orders in Writing under their Hands for that Purpoſe, as the ſaid Commiſſioners ſhall think proper, and to cauſe the ſame to be delivered to or left at the Houſe or laſt or uſual Place of Abode of ſuch Owner or Owners, ſome or one of them; and if any Houſe or other Building ſhall be built or erected contrary to ſuch Directions and Orders, the ſame ſhall be and be deemed to be an Encroachment, Nuiſance, and Annoyance within the Intent and Meaning of this Act, and be removed or removable as ſuch: Provided always nevertheleſs, that full Recompence and Satisfaction ſhall be made to the Owner or Owners of and all Perſons intereſted in the Premiſes for any Loſs or Damage he, ſhe, or they may ſuſtain by ſuch Houſe or other Building being ſo ſet back; and all the Powers, Proviſions, and Clauſes contained in this Act with reſpect to the Houſes or other Buildings hereby particularly authorized to be taken down ſhall extend and apply to be applicable to any Houſe or Building ſo to be ſet back as aforeſaid, and to making Compenſation and Satisfaction to the Owner or Owners thereof, and Perſons intereſted therein.

XLV. And

All Buildings purchaſed to be appropriated to the Purpoſes of this Act.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to cauſe all and every the Buildings, Erections, Projections, and Encroachments which ſhall at any Time be purchaſed under the Powers and for the Purpoſes of this Act, or of any of them, or any Part of them, to be appropriated to the Purpoſes of this Act, or otherwiſe to be taken down, and to cauſe ſo much of the Scites thereof to be added to or laid into the Streets, Ways, Lanes, or other Public Paſſages or Places, or to be formed and made into any new Streets, Ways, Lanes or Public Paſſages or Places, for the Purpoſe of making Communications between any of the preſent Streets, Ways, Lanes, or other Public Paſſages or Places, in ſuch Manner as the ſaid Commiſſioners ſhall judge proper; and the Land ſo added to or laid into the reſpective Streets, Ways, Lanes, or other Public Paſſages or Places reſpectively, ſhall for ever afterwards be deemed Part thereof, and the ſame and alſo ſuch as ſhall be formed into any new Street, Way, Lane, or other Public Paſſage or Place as aforeſaid, ſhall be uſed as common Public Highways.

Power to ſtop up Streets and Ways.

XLVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to alter, divert, ſtop up, or encloſe any Street or Streets in the ſaid Borough, which now are or heretofore were uſed as Streets, Ways, and Paſſages, or ſuch Part or Parts thereof reſpectively as to the ſaid Commiſſioners ſhall be thought proper to be altered, diverted, ſtopped up, or encloſed for the Purpoſes of this Act; and the Ground or Soil of ſuch Streets, Courts, Alleys, Ways, Paſſages, and void Ground, or Parts thereof reſpectively, as ſhall be ſtopped up and encloſed, and the Fee Simple and Inheritance thereof, ſhall be and is hereby veſted in the ſaid Commiſſioners for the Purpoſes of this Act, and may be accordingly ſold and conveyed by them in Manner herein-after mentioned.

Perſons to ſweep Streets in front of their Houſes, &c.

XLVII. And be it further enacted, That the Occupier of every Houſe, Tenement, Warehouſe, Shop, Shed, Coach Houſe, Stable, Chapel, Meeting Houſe, Wall, or other Public or Private Building within the ſaid Borough, ſhall, as often as required by the ſaid Commiſſioners, or any Seven or more of them, their Clerk or Surveyor, ſweep and cleanſe the Streets all along the Front of their reſpective Houſes, Tenements, Warehouſes, Shops, Sheds, Coach Houſes, Stables, Chapels, Meeting Houſes, Wall, or other Public or Private Building, or cauſe the ſame to be ſcraped, ſwept, and cleanſed, and in Default thereof, for every ſuch Offence, ſhall forfeit and pay any Sum not exceeding Five Shillings.

Perſons may contract for ſweeping Streets.

XLVIII. Provided alſo, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time as they ſhall think proper, to compound with any of the Inhabitants of any Street, Lane, Way, or Paſſage within the ſaid Borough, by the Year, for ſuch Sum or Sums of Money as ſuch Commiſſioners ſhall think proper, for the ſweeping and cleanſing, which ought to be done by ſuch Inhabitants reſpectively by virtue of this Act, provided ſuch Compoſition Money be always paid in advance.

To purchaſe Carts, &c.

XLIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required to nominate and appoint any Perſon or Perſons, and to purchaſe or hire any Cart or Carts or other Carriage or Carriages, and alſo any Horſe or Horſes, for the

the Purpoſe of cleanſing the ſeveral Streets, Lanes, Public Paſſages and Places within the ſaid Borough, and for carrying away the Duſt, Dirt, and Soil thereof, or it ſhall and may be lawful to and for the ſaid Commiſſioners to contract with any Perſon or Perſons for cleanſing the ſame, and for carrying away the Duſt, Dirt, and Soil thereof.

No Perſon to carry off Dirt under a Penalty not exceeding 20s.

L. And be it further enacted, That if any Perſon or Perſons whomſoever, other than the Perſon or Perſons employed by or contracting with the ſaid Commiſſioners for cleanſing the ſeveral Streets, Lanes, Public Paſſages or Places within the ſaid Borough, ſhall take or carry away, or cauſe to be taken or carried away, any Dung, Soil, or other Filth, ariſing in or out of ſuch Streets, Lanes, or other Public Paſſages or Places as aforeſaid (except the Filth required as aforeſaid to be ſwept and ſcraped before the Buildings of ſuch Perſon or Perſons) every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

For preventing certain Nuiſances.

LI. And be it further enacted, That if any Perſon or Perſons ſhall bring or exhibit any Stonehorſe or Stallion in any of the Streets, Lanes, Public Paſſages, or Places of the ſaid Borough, other than ſuch as may be appointed for that Purpoſe by the ſaid Commiſſioners; or if any Perſon or Perſons, by Night or by Day, ſhall permit or ſuffer any of his, her, or their Dog or Dogs, commonly called Maſtiff or Bull Dogs, whatever, to ſtray, wander, or go at large in any of the ſaid Streets, Lanes, Public Paſſages, or Places in the ſaid Borough, unleſs ſuch Dog or Dogs ſhall be properly and ſecurely muzzled; or if any Perſon ſhall bait or cauſe to be baited, any Bull, in the Manner called Bull Baiting, in any private Court or Yard, or in any of the Streets, Lanes, Public Paſſages, or other Places within the Borough aforeſaid; or if any Swine or other Beaſt ſhall be permitted to wander or be at large in any of the ſaid Streets, Lanes, Public Paſſages, or Places within the ſaid Borough; or if any Timber, Bricks, Stones, Dung, Wood, Goods, Wares, or Merchandize, or other Materials or Things, ſhall be laid or placed and left to remain in any of the ſaid Streets, Lanes, Public Paſſages, or Places, for any longer Time than ſhall be neceſſary for moving or houſing the ſame; or if any Coals, Coke, broken Glaſs, or Earthen Ware, Aſhes, Rubbiſh, Duſt, Dirt, Offal, Filth, or other Nuiſance or Annoyance, ſhall be thrown, caſt, or laid upon any Cauſeway or Footpath in the ſaid Borough, or ſhall be thrown, caſt, or laid in the ſaid Market Place, or in any of the ſaid Streets, Lanes, Public Paſſages or Places (except Aſhes or Sand in the Time of Froſt only, and to prevent Accidents) and ſuffered to remain for any longer Time than ſhall be neceſſary for removing the ſame, then and in every ſuch Caſe the Owner of any ſuch Stonehorſe or Stallion, Dog, Swine, or other Beaſt, Timber or other Things as aforeſaid, and the Perſon who ſhall ſo throw, caſt, or lay any Coals, Coke, Dung, Filth, Aſhes, Rubbiſh, Duſt, Dirt, Offal, or other Nuiſance or Annoyance, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Two Pounds; and it ſhall and may be lawful for the ſaid Commiſſioners, or any Perſon or Perſons acting under or by their Direction, to impound any ſuch Material or Thing ſo left or remaining as aforeſaid; and alſo to confine any ſuch Stonehorſe or Stallion, Dog, Swine, or other Beaſt ſo wandering or being at large as aforeſaid, in the common Pound, and the ſame to detain in ſuch Pound until the ſaid Penalty, together with the Coſts and Charges of keeping and

Penalty.

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removing the ſame ſhall be fully paid and ſatisfied; and if ſuch Penalty and Expences ſhall not be paid within Ten Days after the ſame reſpectively ſhall be ſo impounded, it ſhall be lawful for ſuch Perſon or Perſons, as ſhall be appointed by the ſaid Commiſſioners for that Purpoſe, to ſell and diſpoſe of the ſame; and the Overplus (if any) of the Money ariſing by ſuch Sale or Sales, ſhall be paid to the Owner or Owners thereof reſpectively.

Power to purchaſe Houſes, &c. to widen the Streets, &c.

LII. And be it further enacted, That for the Purpoſe of making the narrow Parts of the Streets, Lanes, and other public Paſſages, within the Limits of the ſaid Borough, ſafe and commodious for Carriages and Paſſengers, and for opening proper Communications between the ſaid Streets, Lanes, and other public Paſſages and Places, or any of them, and for altering, widening, and improving the preſent Communications between the ſaid Streets, Lanes, and other public Paſſages and Places, or any of them, and for otherwiſe improving the ſaid Borough in Manner by this Act directed, it ſhall be lawful for the ſaid Commiſſioners to treat and agree for the Purchaſe of the ſeveral Houſes, Buildings, Erections, Lands, Tenements, or Hereditaments within the ſaid Borough, mentioned and ſpecified in the Schedule hereunto annexed, or ſo much and ſuch Parts thereof, as they the ſaid Commiſſioners ſhall think right and proper to be taken or uſed for the Purpoſes of this Act, or for the Damage to be done thereto reſpectively in the Execution or for the Purpoſes of this Act, and to take down or alter all or any of ſuch Houſes, Buildings, Erections, Tenements, or Hereditaments to be ſo purchaſed, or any Part or Parts of the ſame reſpectively, and to appropriate all or any of the Ground or Scites thereof reſpectively, and alſo to appropriate all or any of the Lands to be ſo purchaſed for all or any of the Purpoſes aforeſaid, as they the ſaid Commiſſioners ſhall think fit.

Proviſo that no Houſes, &c. ſhall be purchaſed unleſs in purſuance of an Order of the Commiſſioners.

LIII. Provided always, and be it further enacted, That no Houſes, Buildings, or Grounds ſhall be purchaſed for the Purpoſes of this Act, unleſs in purſuance of an Order of the ſaid Commiſſioners made at a Meeting for that Purpoſe, of which Meeting Twenty-one Days Notice ſhall be previouſly given to each of the ſaid Commiſſioners, or left at their uſual Place of Reſidence within the ſaid Borough, and alſo affixed to the Door of the Pariſh Church of *Saint Saviour's* in the ſaid Borough; nor ſhall any Houſes or other Buildings be pulled down or Grounds thrown open in conſequence of any Order for that Purpoſe, unleſs Three Months Notice in Writing at the leaſt ſhall be given to or left at the uſual Place of Abode of the Owner or Occupiers thereof.

To make Compenſation for any Houſes, &c. damaged.

LIV. And be it further enacted, That in caſe any Houſe or Building, Lands, Tenements, or Hereditaments ſhall be damaged or injured by or in the taking down of any of the Houſes or Buildings to be taken down for the Purpoſes aforeſaid, or otherwiſe in the Execution of this Act, the ſaid Commiſſioners are hereby authorized and required, out of the Money to be raiſed by virtue of this Act, to make the Owners and Occupiers of ſuch Houſes and Buildings, Lands, Tenements and Hereditaments ſo damaged and injured, ſuch Compenſation and Satisfaction for ſuch Damage as the ſaid Commiſſioners ſhall in their Judgment think reaſonable; and in caſe the Owners or Occupiers ſhall think the Satisfaction offered to them by the ſaid Commiſſioners not ſufficient, then the ſame ſhall be

ſettled

ſettled by a Jury, in the Manner herein-after provided for aſcertaining the Value of Lands taken and uſed for the Purpoſes of this Act.

Authorizing incapacitated Perſons to ſell.

LV. And be it further enacted, That it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Huſbands, Guardians, Truſtees, Committees, Executors, Adminiſtrators, and all other Perſons whomſoever, not only for and on the Behalf of themſelves, but alſo for and on the Behalf of their reſpective Ceſtuique Truſts or Wards, Femes Covert, Infants, Iſſue unborn, Lunatics, Idiots, or other Perſons whomſoever, and for all Femes Covert who are or ſhall be ſeized or intereſted in their own Right, or entitled to Dower or Intereſt therein, and to and for all and every other Perſon and Perſons whomſoever who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments which the ſaid Commiſſioners ſhall deem requiſite to be purchaſed for any of the Purpoſes of this Act, to contract for Sale, and to ſell and convey to the ſaid Commiſſioners, or to any Perſon or Perſons they ſhall appoint in Truſt for them, all ſuch Houſes, Buildings, Lands, Grounds, or Hereditaments, or any of them, or any Part thereof; and that all ſuch Contracts, Agreements, Bargains, Sales, Aſſignments, Surrenders, and other Conveyances, which ſhall be ſo made as aforeſaid, ſhall be good and valid in the Law to all Intents and Purpoſes whatſoever, not only to convey the Eſtate, Term, and Intereſt of the Body or Bodies, Perſon or Perſons conveying, but alſo all the Right, Eſtate, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective Ceſtuique Truſts, Infants or Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon whomſoever, and all Perſons claiming or to claim by, from, or under them; any Statute, Law, or Uſage, to the contrary thereof in anywiſe notwithſtanding.

In caſe of not agreeing as to Purchaſe Money, to ſummon a Jury, &c.

LVI. Provided always, and be it further enacted, That if any ſuch Perſon or Perſons, Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Truſtees, Feoffees, Guardians, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons in anywiſe intereſted in ſuch Dwelling Houſes or other Buildings, Lands, Tenements, or Hereditaments, required to be purchaſed and taken down for the Purpoſes of this Act, or any Occupier or Occupiers, ſuſtaining any ſuch Loſs, Injury, or Damage as aforeſaid (upon Notice to him or them given, or left in Writing at the Dwelling Houſe or Houſes or uſual or laſt Place or Places of Abode of ſuch Perſon or Perſons, or of the Principal or Head Officer or Officers of ſuch Bodies Politic or Corporate or Corporations, or at the Houſe of the Tenant or Tenants in Poſſeſſion of ſuch Dwelling Houſes or other Buildings, Lands, Tenements, or Hereditaments intended to be purchaſed, taken down, and converted into or made Parts of the ſaid Streets, Lanes, public Ways and Paſſages as aforeſaid), ſhall, for the Space of Twenty-one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree for the Sale of the ſaid Premiſes, or by reaſon of Abſence or Diſability ſhall be prevented from treating, 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 Commiſſioners, then and in every ſuch Caſe the ſaid Commiſſioners ſhall cauſe the Value of and Recompence to be made for ſuch Dwelling Houſes or other Buildings,

Lands, Tenements, or Hereditaments, to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid Borough of *Clifton Dartmouth Hardneſs*; and for the ſummoning and returning ſuch Jury, the ſaid Commiſſioners are hereby empowered from Time to Time to iſſue out their Warrant or Warrants to the Mayor of the ſaid Borough, thereby commanding and requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons qualified to ſerve upon Juries at the Seſſions of the ſaid Borough, and who are reſpectively ſeiſed or poſſeſſed of Freehold or Leaſehold Eſtates within the ſaid Borough, of the annual Value of Five Pounds, to appear before the ſaid Commiſſioners at ſuch Time as in ſuch Warrant or Warrants ſhall be appointed, at the Guildhall within the ſaid Borough; and the ſaid Mayor, or the Town's Bailiff of the ſaid Borough, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly, to attend at the Time and Place ſo appointed; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Commiſſioners are hereby empowered to ſwear Twelve to be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Mayor, or his Deputy or Deputies, ſhall return other 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 Commiſſioners are alſo 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 any One or more of the ſaid Commiſſioners are 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 they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſes, as the ſaid Commiſſioners ſhall think fit; and the ſaid Jury ſhall aſſeſs the Damages and Recompence to be given for the ſaid Dwelling Houſes or other Buildings, Lands, Tenements, or Hereditaments, to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein, and ſhall give in their Verdict thereupon; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and given in their Verdict, the ſaid Commiſſioners ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Perſon or Perſons intereſted in the ſaid Dwelling Houſes or other Buildings, Lands, Tenements, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid 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 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, 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, Proprietors, Occupiers, and other Perſons in anywiſe intereſted in ſuch Dwelling Houſes, Buildings, or Grounds,

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 of the Money ſo aſſeſſed to the reſpective Perſons entitled thereto or their Agents, or upon paying the ſame into the Bank of *England* in Manner by this Act directed, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe the Premiſes in reſpect whereof ſuch Money ſhall be aſſeſſed to be diſpoſed of, and ſuch Acts to be done thereto as if the Purchaſe thereof had been agreed upon and completed, and the ſaid reſpective Premiſes were untenanted, and the Purchaſe or Conſideration Money had been received by the Perſon or Perſons entitled thereto, and thereupon the ſaid Premiſes ſhall veſt abſolutely in the ſaid Commiſſioners, 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 ſhall be fairly entered and kept amongſt the Records of the Quarter Seſſions of the Peace of the ſaid Borough, and a Duplicate of ſuch Verdict and Judgement ſhall be kept by the Clerk or Clerks of the ſaid Commiſſioners, and the ſame, or true Copies thereof, ſhall be admitted, received, and taken as Evidence and Proof in all Courts of Law or Equity at all Places whatſoever, and all Perſons ſhall have recourſe to them *gratis*, and may take Copies thereof, paying Sixpence for every Seventy-two Words, and ſo in Proportion for any leſs Number of Words; and the ſaid Commiſſioners acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Mayor or his Bailiffs or Agents making default in the Premiſes; and 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 the ſaid Jury, or being ſo 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 and give Evidence, ſo as ſuch Fine to be impoſed on ſuch Mayor or Bailiff ſhall not exceed the Sum of Twenty Pounds for One Offence, and ſo as ſuch Fine to be impoſed on any Juryman or Witneſs ſhall not exceed the Sum of Five Pounds for One Offence.

Expences of the Jury, &c.

LVII. And be it further enacted, That in caſe ſuch Jury ſhall give in or deliver a Verdict for more Money, as a Recompence or Satisfaction for ſuch Damages, than ſhall have been offered or tendered by the ſaid Commiſſioners before the ſummoning or returning of ſuch Jury, then the Coſts and Expences of ſummoning and maintaining ſuch Jury and Witneſſes ſhall be borne and paid by the ſaid Commiſſioners out of the Money ariſing by virtue of this Act; but if any ſuch Jury ſhall give in and deliver a Verdict for no more or for leſs Money, as a Recompence or Satisfaction for ſuch Damages, than ſhall have been offered or tendered by the ſaid Commiſſioners before the ſummoning or returning of the ſaid Jury or Juries, then the Coſts and Expences of ſummoning and maintaining ſuch Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have had any Controverſy or Diſpute, and ſhall be recovered in the ſame Manner as any Penalties and Forfeitures are hereinafter directed to be recovered; and in Caſes where Parties, by reaſon of Abſence

Abſence or Diſability, ſhall have been prevented from treating, ſuch Coſts and Expences ſhall be paid by the ſaid Commiſſioners.

Perſons in Poſſeſſion to quit on Three Months Notice.

LVIII. And be it further enacted, That every Leſſee or Tenant for Years or at Will, Mortgagee, and every other Perſon in Poſſeſſion of any Buildings, Lands, Tenements, or other Hereditaments, which ſhall be purchaſed by virtue and for the Purpoſes of this Act, ſhall deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion of the ſame, upon having Three Months Notice from the ſaid Commiſſioners, or the Perſon or Perſons ſo appointed by them, to quit the ſame at ſuch Time or Times as ſhall be required by ſuch Notice, they the ſaid Commiſſioners making ſuch Satisfaction and Compenſation to every ſuch Tenant or Leſſee as aforeſaid (except a Mortgagee), in caſe he or ſhe ſhall be required to quit before the Expiration of his or their Term in the Premiſes, as the ſaid Commiſſioners 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 ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Satisfaction and Compenſation to be made by the ſaid Commiſſioners for the Purchaſe of any Buildings, Lands, Tenements, or Hereditaments, is and are herein directed to be ſettled and aſcertained, in caſe of any Difference or Diſpute about the ſame; and ſuch Perſon or Perſons in Poſſeſſion ſhall, at ſuch Time or Times as he, ſhe, or they may be required by the ſaid Commiſſioners, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to the ſaid Commiſſioners, or to the Perſon or Perſons authorized by them to take Poſſeſſion thereof; and if any ſuch Perſon or Perſons ſo in Poſſeſſion as aforeſaid ſhall refuſe or neglect to deliver up ſuch Poſſeſſion, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners to iſſue their Precept or Precepts to the Mayor of the ſaid Borough, to deliver Poſſeſſion of the Premiſes to ſuch Perſon or Perſons as ſhall in ſuch Precept or Precepts be nominated to receive the ſame; and the ſaid Mayor or his Bailiff is hereby required to deliver Poſſeſſion of the ſaid Premiſes accordingly, and to levy ſuch Coſts 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 Goods and Chattels.

Conveyance of any Feme Covert, &c. to be valid.

LIX. And be it further enacted, That the Surrender or Conveyance of any Eſtate or Intereſt of any Feme Covert to any Seven or more of the ſaid Commiſſioners, or to any Perſon or Perſons in Truſt for them, for the Purpoſes of this Act, by Indenture or Indentures of Bargain and Sale, ſealed and delivered by ſuch Feme Covert in the Preſence of and atteſted by Two credible Witneſſes, and to be duly enrolled in His Majeſty's High Court of Chancery, within Three Calendar Months next after the making thereof, ſhall as effectually and abſolutely convey the Eſtate and Intereſt of ſuch Feme Covert in ſuch Premiſes as any Fine or Fines, Recovery or Recoveries, would or could do, if levied or ſuffered thereof, in due Form of Law; and further, that all Bargains and Sales whatſoever to be made of any ſuch Buildings, Lands, Tenements, and Hereditaments, as ſhall be purchaſed by the ſaid Commiſſioners, by virtue and for the Purpoſes of this Act, and enrolled as aforeſaid, ſhall have the like Force, Effect, and Operation in Law to all Intents and Purpoſes, as any Fine or Fines, Recovery or Recoveries whatſoever would have had, if levied

or

or ſuffered by the Bargainer or Bargainers, or any Perſon or Perſons ſeiſed of any Eſtate in the Premiſes in Truſt for ſuch Bargainer or Bargainers in any Manner or Form whatſoever.

Power to reſell Lands purchaſed if not wanted.

LX. And whereas ſome Part or Parts of the ſaid Buildings, Lands, Tenements, or Hereditaments to be ſo purchaſed, taken, or uſed for the Purpoſes of this Act, may happen to be more than will be neceſſary or wanted for the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authorized and empowered to ſell or diſpoſe of, and to convey or cauſe to be ſold or diſpoſed of and conveyed, ſuch Part or Parts of the ſaid Buildings, Lands, Tenements, or Hereditaments to be veſted in them by virtue or in purſuance of this Act, to any Perſon or Perſons willing to contract, agree for, or purchaſe the ſame, and the Money ariſing therefrom ſhall be paid and applied for the Purpoſes of this Act.

Lands to be firſt offered to the former Proprietors.

LXI. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners ſhall think proper to ſell or diſpoſe of any of the ſame Buildings, Lands, Tenements, or Hereditaments, as may not be neceſſary to be made uſe of for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons from whom the ſame ſhall have been purchaſed; and if ſuch Perſon or Perſons ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid Borough (who are hereby reſpectively empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Buildings, Lands, Tenements, or Hereditaments, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Commiſſioners, or that ſuch Offer was then and there refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be), and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Buildings, Lands, Tenements, or Hereditaments, and he, ſhe, or they and the ſaid Commiſſioners ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as any Sum or Sums of Money to be paid by the ſaid Commiſſioners for the Purchaſe of any Buildings, Lands, Tenements, or Hereditaments is and are herein directed to be ſettled and aſcertained in caſe of any Difference or Diſpute about the ſame, and the ſame ſhall be recovered, levied, and applied in ſuch and the like Manner.

Application of Compenſation when amounting to 200l.

LXII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Feme Covert, Infant, Lunatic, Idiot, Ceſtuique Truſt, or to any Perſon or Perſons whoſe Lands, Tenements, and Hereditaments are limited in ſtrict or other Settlement, or to any Corporation, or 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 High Court of Chancery, to be placed to his Account *ex parte* the Commiſſioners for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments in the Purchaſe 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 Lands, Tenements, or Hereditaments, or affecting any other 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 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 of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Meſſuages, Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation if leſs than 200l. and exceeding 20l.

LXIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall, at the Option of the Perſon or Perſons for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, 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 Seven or more of the ſaid Commiſſioners for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating

nating 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 be applicable, without obtaining or being required to obtain, the Direction or Approbation of the said Court of Chancery.

Application when the Money is less than 20*l.*

LXIV. Provided also, 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 Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Seven or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case any Person shall refuse to accept Money awarded, same to be paid into the Bank of England.

LXV. 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 awarded for the Purchase of any of the said Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or any Seven or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties, or the unknown Persons (as the Case may be) interested in the said Lands or Tenements [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery; 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 any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title, &c.

LXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this

this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Body or Bodies, Perſon or Perſons, who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe; and all Perſons claiming under ſuch Body or Bodies, Perſon or Perſons, or under the Poſſeſſion of ſuch Body or Bodies, Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

In caſe of Incapacity of Perſons entitled to Lands, Purchaſe Money to be paid into Court of Chancery.

LXVII. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance hereof, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Commiſſioners, or any Seven or more of them, out of the Monies to be raiſed by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Mortgagees to convey on tender of Principal and Intereſt.

LXVIII. And be it further enacted, That all and every Perſon or Perſons who ſhall have any Mortgage or Mortgages on ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, not being in Poſſeſſion thereof by virtue of ſuch Mortgage or Mortgages, ſhall, on the Tender of the Principal and Intereſt due thereon, together with the Amount of Three Calendar Months Intereſt on the ſaid Principal Money by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint, immediately convey, aſſign, and transfer ſuch Mortgage or Mortgages to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall appoint; or in caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing from the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall appoint, that they will pay off and diſcharge the Principal Money and Intereſt which ſhall be due on the Mortgage or Mortgages at the End or Expiration of Three Calendar Months, to be computed from the Day of giving ſuch Notice, that then, at the Expiration of the ſaid Three Calendar Months, on Payment of the Principal and Intereſt ſo due, ſuch Mortgagee or Mortgagees ſhall convey, aſſign, and transfer his, her, or their Intereſt in the Premiſes to the ſaid Commiſſioners, or ſuch Perſon or Perſons as ſhall be appointed as aforeſaid, in Truſt for them; and in caſe ſuch Mortgagee or Mortgagees ſhall

refuſe to convey or aſſign as aforeſaid on ſuch Tender or Payment, that then all Intereſt on every ſuch Mortgage ſhall from thence ceaſe and determine: Provided always, that in caſe the Sum due upon every ſuch Mortgage or Mortgages, with all Intereſt due thereon, ſhall amount to more than the real Value of ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which ſhall be taken for the Purpoſes of this Act, ſuch Value to be aſcertained in Manner hereinbefore directed, then the ſaid Commiſſioners ſhall not be liable to pay the Mortgagee or Mortgagees more than the real Value of ſuch Premiſes to be determined as aforeſaid.

Upon Payment of Principal and Intereſt into the Bank Mortgages to reſt in the Commiſſioners.

LXIX. Provided always, and be it further enacted, That in caſe any ſuch Mortgagee ſhall refuſe or neglect to convey or aſſign as aforeſaid, then upon Payment of the principal Money and Intereſt due on any ſuch Mortgage as aforeſaid, into the Bank of *England*, at the End of Three Calendar Months from the Day of giving ſuch Notice as aforeſaid, for the Uſe of the Mortgagee or Mortgagees, the Caſhier or Caſhiers ſhall give a Receipt or Receipts for the ſaid Money, in like Manner as hereinbefore directed in caſe of other Payments into the Bank of *England*; and thereupon all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever of the ſaid Mortgagee or Mortgagees, and of all and every Perſon or Perſons in Truſt for him, her, or them, ſhall veſt in the ſaid Commiſſioners, and they ſhall be deemed to be in the actual Poſſeſſion of the Premiſes comprized in ſuch Mortgage or Mortgages to all Intents and Purpoſes whatſoever: Provided alſo, that if the Money and Intereſt due in reſpect of any Mortgage or Mortgages of the ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof, which ſhall be purchaſed or taken by virtue of this Act, ſhall amount to more than the Value of the Premiſes charged therewith, or of ſuch of them or ſuch Part or Parts thereof as ſhall be purchaſed or taken by virtue of this Act, ſuch Mortgagee or Mortgagees ſhall, upon Payment or Tender of the Sum to be aſcertained as the Value of the Houſes, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, to be purchaſed or taken as aforeſaid, forthwith convey, aſſign, and transfer his, her, or their Intereſt in ſuch Houſes, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as ſhall be appointed as aforeſaid, and in default of ſo doing, and on Payment of ſuch Money into the Bank of *England* for the Uſe of ſuch Mortgagee or Mortgagees, the Caſhier or Caſhiers of the Bank ſhall give ſuch Receipt or Receipts as above-mentioned, and thereupon all the Eſtate, Right, Title, Intereſt, Property, Claim, and Demand of the ſaid Mortgagee or Mortgagees, and of all and every Perſon and Perſons in Truſt for them, in the ſaid Houſes, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, the Value whereof ſhall have been ſo aſcertained and paid into the Bank as aforeſaid, ſhall veſt in the ſaid Commiſſioners, and they ſhall be deemed to be in the actual Poſſeſſion of the ſaid Premiſes to all Intents and Purpoſes whatſoever; and ſuch Sums of Money ſhall be deducted from the Amount of the Principal and Intereſt due to ſuch Mortgagee or Mortgagees.

Mortgagers to convey or be foreclоſed.

LXX. And be it further enacted, That if the Money and Intereſt due in reſpect of any Mortgage or Mortgages of the ſaid Houſes, Buildings, Lands,

Lands, Tenements, and Hereditaments, or Part or Parts thereof, which ſhall be purchaſed or taken by virtue of this Act, ſhall amount to more than the Value of the Premiſes charged therewith, or of ſuch of them, or of ſuch Part or Parts thereof as ſhall be purchaſed or taken by virtue of this Act, the Mortgager or Mortgagers, or other the Perſon or Perſons entitled to the Redemption thereof, ſhall upon Payment or Tender of the Sum to be awarded or aſſeſſed as the Value of the Houſes, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, to be purchaſed or taken as aforeſaid, to ſuch Mortgagee or Mortgagees, or into the Bank as aforeſaid, forthwith convey, aſſign, or releaſe his, her, or their Right, Equity of Redemption, and Intereſt in ſuch Houſes, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as ſhall be appointed as aforeſaid, and in default of ſo doing, ſhall be and are hereby barred and foreclоſed from all Rights or Equity of Redemption of and in the ſame Premiſes; and all the Eſtate, Right, Title, Intereſt, Property, Claim, and Demand of him, her, or them, and every Perſon and Perſons in Truſt for him, her, and them, in the ſame Premiſes, ſhall veſt in the ſaid Commiſſioners, and they ſhall be deemed to be in the actual Poſſeſſion thereof, to all Intents and Purpoſes whatſoever.

Commiſſioners may ſell old Materials.

LXXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized, in ſuch Manner as they ſhall think proper, to ſell or cauſe to be ſold the Materials of Houſes and other Buildings to be taken down and removed purſuant to this Act; and the Monies to be produced by the Sale thereof (after deducting the Expences of pulling down ſuch Houſes and Buildings, and of ſuch Sale or Sales), and alſo the Rents and Profits of the ſaid Houſes, Buildings, Lands, Tenements, and Hereditaments to be purchaſed or taken by virtue of this Act, until the ſame ſhall be pulled down or cleared, ſhall be applied and diſpoſed of for or towards the Purpoſes of this Act or any of them.

Miſnomers or inaccurate Deſcriptions of Houſes, &c. not to retard the Execution of the Act.

LXXII. Provided always, and be it further enacted, That if any of the Meſſuages, Buildings, Ground, Hereditaments, or Premiſes, which are mentioned and deſcribed in the Schedule hereunto annexed, or any of the Perſons 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, in caſe it ſhall appear to Two Magiſtrates of the County of *Devon* that the ſame has ariſen from Miſtake, (and be ſo certified in Writing under their Hands,) 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 as if the ſame were more properly named and deſcribed in the ſaid Schedule.

Application of the Monies to be received by virtue of this Act.

LXXIII. And be it further enacted, That all Money which ſhall be borrowed, and all Monies to be raiſed by the Rates or Aſſeſſments made in purſuance of this Act, ſhall, as the ſame ſhall come in and be received, be iſſued and applied by the ſaid Commiſſioners, in the firſt Place, towards paying and defraying One Half the Expences of obtaining and paſſing this Act, and in the next Place, towards the Expences of carrying the ſame into

into Execution, as far as relates to the Powers veſted in the ſaid Commiſſioners by virtue of this Act, and to or for no other Uſe or Purpoſe whatſoever; and that the other Half of the Expence of obtaining and paſſing this Act, ſhall be paid and defrayed by the ſaid Mayor, Bailiffs, and Burgeſſes, out of their Revenues.

Penalties and Forfeitures how to be recovered and applied.

LXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines, by this Act inflicted or impoſed or authorized to be impoſed, the Manner of levying and recovering whereof is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any one or more Juſtice or Juſtices of the Peace for the ſaid Borough, either by the Confeſſion of the Party or Parties offending, or by the Oath of one or more Witneſs or Witneſſes (which Oath ſuch Juſtice or Juſtices of the Peace is and are hereby required to adminiſter) be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby empowered to grant; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any) upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold (the Coſts, Charges, and Expences of making ſuch Diſtreſs, and the keeping and ſelling thereof being firſt deducted) ſhall, if not directed to be otherwiſe applied by this Act, be paid to the Treaſurer for the Time being to the ſaid Commiſſioners, and applied towards the Purpoſes of this Act, and in aid of the Rates to be made in purſuance of this Act; but nevertheleſs it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held in purſuance of this Act, to order their Treaſurer for the Time being, in any Caſe in which no Reward has been awarded by any Juſtice to any Informer, to pay ſuch Part of the ſaid Penalties to the Informer as they ſhall judge reaſonable, not exceeding One Half thereof; and in every ſuch Caſe where Diſtreſs is directed to be made, levied, or taken by this Act, and ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines, ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants 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 of the Borough of *Clifton Dartmouth Hardneſs*, or Gaol of the ſaid County of *Devon*, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month for the Firſt Offence, and for the Second and every Offence of the ſame Kind, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges and Expences attending the ſame, ſhall be ſooner paid and ſatisfied.

Juſtices to commit Offenders againſt this Act, to the Gaol of the Borough.

Juſtice to convict.

LXXV. And be it further enacted, That all and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Words, or any other Form of Words to the ſame Effect; (that is to ſay),

‘ BE it remembered, That on this Day of *A. D.* *A. B.* is duly convicted before me [*or*, us] ‘ of

To wit.

'of His Majesty's Justices of the Peace for the Borough of *Clifton Dart-*
'*mouth Hardness*, of having [*here state the Offence against this Act, as the*
'*Case may be*] contrary to the Form of the Statute in that Case made and
'provided; and I [*or*, we, *as the Case may be*] do declare and adjudge that
'the said *A. B.* hath forfeited for his [*or*, her, *as the Case may be*] said
'Offence the Sum of Given under
'my Hand and Seal [*or*, our Hands and Seals, *as the Case may be*] the
'Day and Year first above written.'

Distress not illegal for Defect of Form.

LXXVI. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may receive full Satisfaction for the special Damage incurred, by an Action on the Case.

Inhabitants not to be incompetent Witnesses.

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

Notice to be given before Action brought.

LXXVIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover, in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing of such intended Action shall have been given to the Clerk or Clerks of the said Commissioners, or left at his or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, signed by the Attorney for the intended Plaintiff or Plaintiffs, specifying the Cause or Causes of such Action; nor shall any Plaintiff or Plaintiffs recover in such Action Satisfaction for special Damage or otherwise, or for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or cause to be committed, all or any such Irregularity, Trespass, or wrongful Proceeding, before such Action shall be brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants, in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined in such Action, to pay into such Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding or Order and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Actions to be brought within Three Months.

LXXIX. Provided also, and be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done or omitted to be done by virtue or in pursuance of this Act, after Three Calendar Months next after the Fact committed,

mitted, or the Cauſe of ſuch Action ſhall have ariſen; and every ſuch Action ſhall be brought and laid in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead at his, her, or their Election ſpecially, or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance or by the Authority of this Act; and if upon the Trial of ſuch Action or Suit, it ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before the Expiration of Twenty-one Days next after ſuch Notice ſhall have been given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or be brought or laid in any other Court than as aforeſaid, then and in every of the ſaid Caſes, the Jury ſhall find a Verdict for the Defendant or Defendants; and in all Caſes where a Verdict ſhall be found for any Defendant or Defendants in ſuch Action or Suit, or the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame after the Defendant or Defendants ſhall have appeared thereto or be nonſuited, or if upon Demurrer, Judgment ſhall be given againſt ſuch Plaintiff or Plaintiffs, then and in every ſuch Caſe, the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch and the like Remedy for recovering the ſame as any Defendant or Defendants hath or have for recovering Coſts of Suit in any other Caſe by Law.

Rates or Proceedings not to be quaſhed for want of Form.

LXXX. And be it further enacted, That no Rate or Rates, Aſſeſſment or Aſſeſſments, nor any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, or in purſuance or by virtue thereof, ſhall be vacated or quaſhed for Want of Form, any Law, Statute, or Uſage, to the contrary notwithſtanding.

Perſons aggrieved to appeal to Commiſſioners.

LXXXI. 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 Rate or Rates, Aſſeſſment or Aſſeſſments to be made in purſuance of this Act, ſuch Perſon or Perſons, Body or Bodies Politic or Corporate, may by himſelf, herſelf, or themſelves, or by his, her, or their Agent or Agents, apply to the ſaid Commiſſioners at any of their ſaid Meetings; and it ſhall and may be lawful to and for the ſaid Commiſſioners on ſuch Application to mitigate or reduce ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and to give ſuch Relief in the Premiſes as to them the ſaid Commiſſioners ſhall ſeem juſt and reaſonable; and it ſhall and may be lawful to and for the ſaid Commiſſioners, upon the Appeal or Complaint of any Perſon or Perſons ſubject and liable to the Payment of any Rate or Rates, Aſſeſſment or Aſſeſſments by virtue of this Act, to mitigate, reduce, or leſſen ſuch Rate or Rates, Aſſeſſment or Aſſeſſments; and alſo to excuſe or remit the Payment thereof by reaſon of the Inability of ſuch Perſon or Perſons to pay the ſame.

Power of appealing to the Quarter Seſſions.

LXXXII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, or by any Bye Law, Rule or Order made in purſuance of this Act, or any other Matter or Thing done or directed to be done, or omitted to be done in purſuance of this Act,

Act, such Person or Persons may, if he, she, or they think fit, apply for Relief to the said Commissioners, at their next Meeting to be held after Demand made of such Rate or Rates, Assessment or Assessments, or next after such Matter or Thing done and committed by or by any Order of the said Commissioners, by which such Person or Persons shall think himself, herself, or themselves aggrieved, and the said Commissioners are hereby authorized and empowered to give such Relief in the Premises as to them shall seem necessary; and if such Person or Persons shall neglect or omit to apply to the said Commissioners as aforesaid, or not be satisfied with the Determination of the said Commissioners, he, she, or they may appeal to the General or Quarter Sessions of the Peace to be held for the County of *Devon*, within Three Calendar Months next after such Cause of Complaint shall arise, or such Determination of the said Commissioners shall be made, such Appellant first giving or causing to be given Twenty-one Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal and of the Matter thereof to the Clerk or Clerks of the said Commissioners, or leaving such Notice for him, her, or them, at his, her, or their last or usual Place or Places of Abode, and within Ten Days after such Notice enter into a Recognizance before One of His Majesty's Justices of the Peace for the said Borough, with Two sufficient Sureties in the Sum of Twenty Pounds, conditioned to try such Appeal, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter or General Sessions, and the said Justices at such Quarter or General Sessions of the Peace for the said Borough, upon due Proof of such Notice having been given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices shall be binding and conclusive.

Saving the Rights of the Corporation.

LXXXIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to lessen, defeat, prejudice, or affect any Right, Interest, Power, Privilege, Franchise, or Authority of the said Mayor, Bailiffs, and Burgesses of the Borough of *Clifton Dartmouth Hardness* aforesaid.

Public Act.

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

The SCHEDULE to which this Act refers.

A House known by the Sign of "The Ship in Dock Inn," belonging to John Seale Esquire, and late in the Occupation of William Small, situate near the Bottom of a Hill called Coombe Hill.

A Coach House or Stable belonging to John Seale Esquire, and others (as Trustees of the Lands in the Parish of Townstal) now in the Occupation of William Rogers, situate near a certain Street there called Bake Hill.

A Houſe adjoining the ſaid Coach Houſe or Stable, belonging to Charles Hayne Eſquire, and now in the Poſſeſſion of William Richards.

A Houſe adjoining the ſaid Hill, belonging to the ſaid Mayor, Bailiffs, and Burgeſſes, and now in the Poſſeſſion of Timothy Norris, or his Under Tenant.

A Workſhop belonging to Nicholas Randall, and now in his Occupation, ſituate alſo near the ſaid Street called Bake Hill.

A Houſe known by the Sign of "The Commercial Inn," lately belonging to Richard Paddon the younger, Mariner, and Mary his Wife, or one of them, and now in the Occupation of Richard Paddon the elder, Innkeeper, ſituate in the Street there called the Lower Street.

A Houſe adjoining thereto, belonging to and in the Poſſeſſion of Lawrence Wills, Cordwainer.

A Houſe belonging to Arthur Howe Holdſworth Eſquire, now in the Occupation of Thomas Veal, Tailor, ſituate alſo in the ſaid Street called The Lower Street.

A Houſe belonging to Thomas Brooking, now in the Occupation of John Cáddy, ſituate near a certain Lane called Bearſcove Lane.

A Houſe belonging to John Seale Eſquire, now in the Poſſeſſion of James Robiſon, ſituate alſo near the ſaid Lane called Bearſcove Lane.

A Houſe, and Courtlage adjoining thereto, belonging to the ſaid John Seale Eſquire, and now in the Poſſeſſion of Richard Langworthy Hingſton, or his Under Tenants.

A Houſe and Courtlage belonging to the Reverend William Manley, Clerk, or Miſs Maria Manley, his Daughter, and now in the Poſſeſſion of Henry Pillar and Walter Weeks, ſituate near the Top of the ſaid Lane, called Bearſcove Lane.

A Porch Chamber at the End of the Lane called Northford Lane, belonging to and in the Poſſeſſion of Thomas Leathy.

A Part of a Dwelling Houſe, belonging to and now in the Poſſeſſion of Henry Rogers, ſituate near a Street called Smith Street.

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