ANNO SECUNDO & TERTIO

GULIELMI IV. REGIS.

Cap. cvi.

An Act for better paving, lighting, watching, cleansing, and otherwise improving the City of *Exeter* and County of the same City.

[4th *July* 1832.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better and more effectually paving, lighting, cleansing, watching, and otherwise improving the Streets, Ways, and other public Passages and Places in the City and County of the City of* Exeter: And whereas since the passing of the said recited Act the said City and County of *Exeter* hath greatly increased and is still increasing in Population and Buildings, and the Powers and Provisions of the said recited Act are found insufficient for the Purposes intended, and it is expedient that further and additional Powers should be established for better cleansing, lighting, watching, regulating, and otherwise improving the said City, and opening and forming some more convenient Ways and Streets therein, and for providing Burial Grounds or Cemeteries for the Dead: And whereas the Powers and Provisions necessary for the Purposes aforesaid might be more conveniently executed if the same were comprised in One Act of Parliament; but the several Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice 50G.3.c.146.

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Fiftieth Year of the Reign of His said late Majesty shall (save and except so much and such Parts of the said recited Act as relates to the Repeal of any Act or Acts thereby repealed), from and after the First Day of *January* One thousand eight hundred and thirty-three, be and the same is hereby repealed; and this Act shall thenceforth commence and take effect in lieu and in stead of the said recited Act of the Fiftieth Year of the Reign of His said late Majesty King *George* the Third.

Recited Act repealed after 1st Jan. 1833, and this Act then to take effect.

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

Commissioners appointed.

III. And be it further enacted, That the Mayor, Bailiffs, and Commonalty of the City of *Exeter* for the Time being shall and they are hereby required, on the Second *Wednesday* in the Month of *January* in the Year One thousand eight hundred and thirty-three, and on the Second *Wednesday* in the Month of *January* in every Third subsequent Year, or at the First Chamber that shall be holden after such Days respectively, to nominate and appoint Six Members out of the Chamber or Common Council of the Mayor, Bailiffs, and Commonalty of the said City (not being Justices of the Peace in and for the said City and County) to be Commissioners for the Purposes of this Act; and the Names of such Members so nominated shall be certified forthwith by the Town Clerk of the said City to the Clerk to the said Commissioners; and thereupon the Members so nominated and certified shall be Commissioners for the Purposes of this Act in the Place of the Members of the said Corporation who shall then be acting as Commissioners: Provided always, that the said Commissioners or any of them, on going out of Office, shall be eligible to be immediately re-appointed.

Six Commissioners to be elected by the Corporation.

IV. And be it further enacted, That the Commissioners for the Execution of this Act to be hereafter appointed shall be elected by the Parishioners and Inhabitants of the several Parishes and Precincts within the City of *Exeter* and County of the same; and every such Parish or Precinct respectively shall from Time to Time be entitled to appoint such Person or Persons to be Commissioners of this Act as, together with the Commissioners for the Time being

Commissioners for each Parish and Precinct.

acting for such Parish or Precinct respectively by virtue of the said recited Act and this Act, will make up the Number of Commissioners which such Parish or Precinct respectively shall be entitled to appoint, according to the following Scale; (that is to say,) where the Amount to which the Parishioners and Inhabitants of such Parish or Precinct respectively shall be assessed to the Rates hereinafter directed to be made, after such Assessments shall have been approved and confirmed in manner herein-after mentioned, shall not exceed One hundred Pounds, such Parish or Precinct respectively shall be entitled to appoint One Commissioner; where such Amount shall exceed One hundred Pounds and not exceed Two hundred and fifty Pounds, such Parish or Precinct respectively shall be entitled to appoint Two Commissioners; where such Amount shall exceed Two hundred and fifty Pounds and not exceed Four hundred Pounds, such Parish or Precinct respectively shall be entitled to appoint Three Commissioners; where such Amount shall exceed Four hundred Pounds and not exceed Six hundred Pounds, such Parish or Precinct respectively shall be entitled to appoint Four Commissioners; where such Amount shall exceed Six hundred Pounds and not exceed Eight hundred Pounds, such Parish or Precinct respectively shall be entitled to appoint Five Commissioners; where such Amount shall exceed Eight hundred Pounds, such Parish or Precinct respectively shall be entitled to appoint Six Commissioners.

Commissioners at their First Meeting to ascertain the Number of additional Commissioners to be appointed.

V. And be it further enacted, That the said Commissioners herein-before appointed shall and they are hereby required, at the First Meeting to be holden by virtue of this Act, to ascertain, from the Amount of the then last Assessments made to the Way and Improvement Rate and also to the Lamp Rate for the said Parishes and Precincts, the Number of Commissioners which each Parish and Precinct is entitled to appoint, according to the Scale herein-before mentioned, and in case it shall appear that any of the said Parishes or Precincts is or are entitled to appoint any Commissioner or Commissioners in addition to those herein-before appointed, cause Notice thereof to be given as herein is mentioned.

For ascertaining the Number of Commissioners to be appointed for each Parish.

VI. And be it enacted, That the said Commissioners shall and they are hereby required, on the Second *Monday* in *January* and the Second *Monday* in *July* in the Year One thousand eight hundred and thirty-three, and on the Second *Monday* in *January* and the Second *Monday* in *July* in every succeeding Year, to ascertain the Number of Persons which each Parish or Precinct is entitled to appoint, according to the Scale herein-before mentioned, and the Number of Commissioners then acting for such Parish or Precinct; and in case it shall appear that any Parish or Precinct, either by Increase of Rates, Death, Resignation, Disqualification, going out of Office, or by any other Cause, is entitled to appoint a Commissioner or Commissioners, in addition to those then acting for such Parish or Precinct, such Commissioners shall then direct Notice thereof to be given as herein is mentioned, in order that the Parishioners and Inhabitants of such Parish or Precinct may proceed to supply any such Vacancy, and elect the Number of Commissioners they are entitled to appoint.

VII. And

Election of new Commissioners.

VII. And be it further enacted, That when and so often as the Inhabitants and Parishioners of any of the said Parishes and Precincts shall be entitled, as before mentioned, to appoint a Commissioner or Commissioners, the Commissioners for the Time being acting in the Execution of this Act shall and they are hereby required to cause Notice in Writing to be given by their Clerk to the Churchwardens, or to any Two Inhabitants or Parishioners of such Parish or Precinct, qualified to vote at the Election of Commissioners in manner hereinafter mentioned, that a Person or Two or more Persons (as the Case may be) is or are required to be elected to make up the full Number of Commissioners which such Parish or Precinct is entitled to appoint; and the Inhabitants or Parishioners of such Parish or Precinct shall within Fourteen Days next after the Delivery of such Notice meet at the Church or Chapel or in the usual Place of public Meetings of such Parish or Precinct, between the Hours of Ten and Twelve in the Forenoon, of which Meeting Seven Days Notice shall be given by the Churchwardens of such Parish, or by any Two Inhabitants or Parishioners of such Parish or Precinct, qualified to vote as hereinafter mentioned, by affixing the same at the Guildhall of the said City, and also, in the Case of a Parish, at the Church Door thereof; and at such Meeting it shall be lawful for the major Part of the Inhabitants and Parishioners to nominate and elect a Person or such Number of Persons (as may be specified in such Notice) to act as a Commissioner or Commissioners for such Parish or Precinct.

Qualification of Voters.

VIII. And be it enacted, That no Inhabitant or Parishioner shall vote at the Election of a Commissioner or Commissioners unless at the Time of such Election he shall be rated or assessed to the Way and Improvement Rate, or the Rates for Lighting, herein-after mentioned, at the yearly Rent or Value of Ten Pounds or upwards, by virtue of this Act or the said recited Act, and shall have paid such Rate for the Space of One Year immediately preceding such Election.

Chairman at Elections to have a casting Vote.

Names of Persons elected to be registered, and Election certified.

IX. And be it further enacted, That in case of an Equality of Votes in the Election of a Commissioner or Commissioners at any Meeting of any of the said Parishes or Precincts the Chairman at such Meeting shall have the casting Vote; and the Name of every such Person so elected a Commissioner shall be entered in a Book to be provided and kept for that Purpose by each Parish or Precinct in their public Chest; and every such Election shall, within Seven Days next after the same shall have been made, be certified, and the Names and Residences of the Persons so elected as Commissioners shall be sent to the Clerk to the said Commissioners or to any Five or more of the Commissioners, such Certificate and List to be signed by the Chairman of such Meeting.

If Parishioners do not elect, the other Commissioners may.

X. Provided always, and be it further enacted, That in case the Inhabitants or Parishioners of any of the said respective Parishes and Precincts shall neglect or refuse to elect a Commissioner or Commissioners as herein-before mentioned, then and in every such Case the other Commissioners shall proceed in the Execution of the Powers hereby granted as fully and effectually as if the Elections of all

all the Commissioners for the said Parishes and Precincts had actually taken place.

Vacancies of Commissioners not to be filled up where Rates decrease.

XI. Provided also, and be it further enacted, That where the Amount to which the Parishioners and Inhabitants of any of the said Parishes or Precincts respectively shall be assessed to the said Rates would not entitle such Parish or Precinct to appoint the Number of Persons which shall for the Time being be acting as Commissioners for such Parish or Precinct respectively, the Person or Persons appointed a Commissioner or Commissioners for such Parish or Precinct shall continue to be a Commissioner under this Act until a Vacancy shall occur, by going out of Office, or Death, or otherwise, in the Number of Commissioners for such Parish or Precinct respectively; and when any such Vacancy shall occur, and it shall appear, by the Amount of the Assessment approved and confirmed last before such Vacancy shall happen, that if the same were supplied a greater Number of Commissioners would be appointed for such Parish or Precinct respectively than ought to be appointed for the same according to the Scale herein-before contained, then and in every or any such Case no Person shall be appointed a Commissioner in the Place of the Person who shall have made such Vacancy.

How Routine of quitting Office by Commissioners hereby appointed, and the first-elected Commissioners, shall be determined.

XII. And be it further enacted, That on the Second *Monday* in *January* One thousand eight hundred and thirty-three One Third (or as near that Proportion as the total Number of Commissioners will admit of such Division) of the Commissioners then acting in the Execution of this Act, to be determined by Lot amongst themselves, (exclusive of the Members of the Chamber of *Exeter*, and the Dean and Canons Residentiary of the Cathedral of *Exeter*,) shall go out of Office and cease to be Commissioners; and on the Second *Monday* in *January* One thousand eight hundred and thirty-five One Half of the remaining Two Thirds, to be determined as aforesaid, of the said Commissioners (exclusive as aforesaid), shall go out of Office and cease to be Commissioners; and on the Second *Monday* in *January* One thousand eight hundred and thirty-seven the Remainder of the said Commissioners appointed for the respective Parishes and Precincts by virtue of the said recited Act shall go out of Office and cease to be Commissioners; and on the Second *Monday* in *January* in every subsequent Second Year the One Third who have been longest in Office of the Commissioners shall go out of Office and cease to be Commissioners; and after the said Second *Monday* in *January* One thousand eight hundred and thirty-three any additional Commissioner appointed in consequence of an Increase of the Amount of the Assessment aforesaid in any Parish or Precinct respectively shall be deemed to form Part of the One Third of the Commissioners who are to go out of Office after the Expiration of Four Years next after the Appointment of such Commissioner; and whenever a Vacancy shall not be filled up in consequence of a Deficiency in the Amount of the said Assessments in any Parish or Precinct, the Residue of the Commissioners who, together with the Commissioner who caused such Vacancy, constituted One Third of the said Commissioners, for the Purpose of going out of Office together, shall be deemed to constitute the whole of such One Third of the said Com-

missioners; and every Person appointed to fill up any Vacancy by Death, Resignation, or Disqualification shall continue in Office so long only as the Person in whose Place he shall be appointed would have continued if he had continued in Office: Provided always, that any Commissioner going out of Office shall be eligible to be immediately re-appointed.

How Routine of quitting Office by additional Commissioners is to be determined.

XIII. And whereas several of the said Parishes and Precincts will immediately on the Commencement of this Act be entitled to elect, by virtue of the Provisions herein-before contained, an additional Number of Commissioners, and it is necessary to provide for the going out of Office of such Commissioners; be it therefore enacted, That on the Second *Monday* in *January* One thousand eight hundred and thirty-five One Third (or as near that Proportion as the Number will admit of such Division) of such additional Commissioners so to be elected on the Commencement of this Act shall go out of Office and cease to be Commissioners; and on the Second *Monday* in *January* One thousand eight hundred and thirty-seven One Half of the remaining Two Thirds of the said additional Commissioners shall go out of Office and cease to be Commissioners; and on the Second *Monday* in *January* One thousand eight hundred and thirty-nine the Remainder of the said additional Commissioners shall go out of Office and cease to be Commissioners; and on the Second *Monday* in *January* in every subsequent Second Year the One Third who have been longest in Office of the said additional Commissioners shall go out of Office and cease to be Commissioners; and the Election, Appointment, and going out of Office of the said additional Commissioners and their Successors shall in all other respects be proceeded upon in like Manner, and be subject to the same Rules, Regulations, Provisions, and Restrictions as are next herein-before contained touching and concerning the Election and Appointment of Commissioners and their Successors.

Qualification of Commissioners.

XIV. Provided always, and be it further enacted, That no Person appointed a Commissioner by any such Parish or Precinct shall be capable of acting as a Commissioner in the Execution of this Act who shall have been or shall hereafter become bankrupt or insolvent, or have made or make Composition with his Creditors, and shall not have paid Twenty Shillings in the Pound on all his Debts, nor unless he shall be an Inhabitant of the said City of *Exeter* or County of the same, and shall be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments of the clear yearly Value of Eighty Pounds, or possessed of a Personal Estate of Three thousand Pounds, or is now or shall hereafter be rated or assessed by virtue of this Act or the said recited Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third aforesaid, for Lands, Tenements, and Hereditaments within the said City and County of the same, at and after the yearly Rent or Value of Forty Pounds or upwards.

Penalty on Persons acting, not dulyqualified.

XV. Provided always, and be it further enacted, That if any Person, not being so qualified, or being disqualified by any of the Causes aforesaid, shall act in the Execution of this Act, then and in

every such Case every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, on Proof given of his having acted as a Commissioner in the Execution of this Act.

Commissioners to take an Oath before acting.

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 (save and except in appointing the First Meeting to be holden in pursuance of this Act in case the same shall not be holden on the Day herein appointed, and in administering the Oath or Affirmation herein mentioned to the other Commissioners,) until he shall have taken and subscribed an Oath, or, being one of the People called *Quakers*, an Affirmation, before any Five or more of the said Commissioners, at a Meeting to be holden by virtue of this Act, who are hereby authorized and required to administer the same; and such Oath or Affirmation shall be in the Words following; (*videlicet*,)

Oath.

'I *A.B.* do swear [*or* affirm], That I now am *bonâ fide*, in my own Right [*or* in Right of my Wife], in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments of the clear yearly Value of Eighty Pounds, or possessed of a Personal Estate of Three thousand Pounds, or that I am now, by virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, [*or* of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, *as the Case may be*,] rated and assessed for Lands, Tenements, and Hereditaments within the City and County of the City of *Exeter* at and after the yearly Rent or Value of Forty Pounds or upwards; and that I have not compounded my Debts with my Creditors, nor have I been bankrupt, or, having compounded my Debts, or been bankrupt, I have since paid all my Creditors Twenty Shillings in the Pound; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me in and by the said Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], without Prejudice or Malice, Favour or Affection, to any Person or Persons whomsoever.

'So help me GOD.'

Commissioners to be a Corporation.

XVII. And be it further enacted, That the said Commissioners for the Time being shall be a Body Corporate and Politic by the Name of "The *Exeter* Improvement Commissioners," and by that Name shall and may have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and the several Lands, Buildings, Tenements, and Hereditaments, Properties, Monies, Articles, Matters, and Things, belonging or to belong to the said Commissioners under the said recited Act of the Fiftieth Year of the

Reign

Reign of His Majesty King *George* the Third, or under this Act, shall be and are hereby vested in the said Commissioners.

Commissioners not to act whilst holding any Office.

XVIII. Provided always, and be it further enacted, That no Commissioner hereby appointed or hereafter to be appointed shall be capable of acting or voting as such during the Time he shall enjoy any Office of Profit under the said Commissioners, or in any Case wherein he shall be directly or indirectly personally interested, nor shall any such Commissioner be capable of taking any Contract whilst he shall be such Commissioner; and if any Commissioner acting in the Execution of this Act shall, either in his own Name or in the Name of any other Person or Persons, sell or contract to sell, or provide, furnish, or supply, for his or their Profit, for the Use of the said Commissioners, any Goods or Materials of any kind, or enter into any Contract or Contracts relating thereto, or for the doing or executing any Work of any kind whatsoever, in pursuance of this Act, every such Commissioner shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same within Twelve Calendar Months after the same shall have been committed, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, and by Action of Debt or on the Case, or by Bill, Plaint, or Information, where no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and no Person shall be capable of taking or entering into any Contract under this Act during the Time he shall be such Commissioner: Provided always, that nothing herein contained shall extend or be allowed or construed to extend to any Commissioner who shall be a Member of any public Company established for the Supply of Gas or Water, or any other such like public Company, and with which the said Commissioners may enter into any Contract or Agreement in respect of his or their Interest as a Member or Proprietor of any such Company, or to any Commissioner being a Proprietor of or interested in any of the public Newspapers or Journals published in the City of *Exeter*, for or in respect of printing for the said Commissioners, or advertizing in such Newspapers or Journals, so nevertheless that any Commissioners so interested shall not vote or act in or about the ordering or making any such Contract, or the directing any such advertizing or printing.

Penalty for Commissioners contracting for or supplying Goods for the for the Purposes of the Act.

Meeting of the Commissioners without Notice.

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

Commissioners may adjourn

XX. Provided always, and be it enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them,

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

XXI. Provided nevertheless, and be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners under this Act it shall on any Emergency be considered necessary or advisable that a Special Meeting shall be appointed for an earlier Day than the Day for which any Meeting shall stand by Adjournment as aforesaid, then and in such Case it shall be lawful for the said Commissioners under this Act, or any Five or more of them, or for their Clerk, on Application in Writing of any Five or more of the same Commissioners, (and which he and they is and are hereby required to do on such Application,) to appoint such Special Meeting for such earlier Day; and of which Meeting, and of the Time and Purpose thereof, Three Days previous Notice (exclusive of the Day of Notice and Day of Meeting) shall be given; and no other Business shall be transacted on any such Special Meeting than what shall have been specified in such Notice as aforesaid. Meetings on Emergencies.

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

XXIII. And be it further enacted, That the Clerk to the said Commissioners shall cause fair and regular Entries to be made in a Book or Books to be kept for that Purpose of all the Acts, Orders, and Proceedings of the said Commissioners relative to the Execution of this Act; and the Chairman of every Meeting shall always subscribe his Proceedings to be entered in Books.

his Name at the End of the said Proceedings; and the said Clerk shall enter in the said Book or Books the Names of at least Five of the said Commissioners who are actually present at any such Meeting; and all Entries in such Book or Books, being signed as aforesaid, shall be deemed Originals, and shall be admitted as Evidence in all Courts and upon all Occasions whatsoever; and at any of their Meetings such Book or Books shall be open to the Inspection of all and every the said Commissioners; and any of the said Commissioners, and all and every Person and Persons rated and assessed for the Purposes of this Act, and all Creditors on the Rates hereby authorized to be made, or any of them, shall at all seasonable Times (not being during the transacting of Business by the said Commissioners at their Meetings) be permitted to inspect the same *gratis*, and to have true Copies of any of the Entries in such Book to be made by the said Clerk, paying for such Copies after the Rate of Sixpence for every One hundred Words.

Accounts to be kept of Receipts and Disburse-ments.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates or Assessments granted by this Act, without Fee or Reward; and the said Commissioners and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Treasurer shall refuse to permit or shall not permit the said Commissioners or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after directed.

Accounts to be made out annually.

XXV. And be it further enacted, That on or before the Second *Monday* in *January* in every Year, or at the First Meeting of the said Commissioners then next following, a true Account shall be made and written of all Monies received and paid during the preceding Year ending upon the Twenty-ninth Day of *September*, by virtue of this Act, and the Amount of the Debts and Liabilities due from the said Commissioners; and a Copy or Duplicate of such Account shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons who shall pay any Rate or Assessment to be levied and collected by virtue of this Act, or any Person on his, her, or their Behalf, to inspect the same at seasonable Times, paying the Sum of One Shilling and no more for every such Inspection; and the said Clerk shall, upon Demand, forthwith give Copies of the same or any Part thereof, upon being paid at the Rate of Sixpence for every One hundred Words, and so in proportion for a less Number of

Words; and an Abstract of such yearly Accounts shall be yearly printed, and Ten Copies thereof sent to each of the said Commissioners, and to the Churchwardens of the respective Parishes, and Two principal Inhabitants of the said Precincts, for the Inspection and Perusal of the Parishioners.

Arrears of Rates under former Acts may be recovered by new Commissioners.

XXVI. And be it further enacted, That all and every Persons and Person from whom any Arrears of Rates laid or assessed or payable by virtue of the said recited Act shall remain and be liable to the Payment thereof in all respects as such Persons and Person were or was liable before the passing of this Act, or would have been liable if the said recited Act of the Fiftieth Year of the Reign of His said late Majesty had not been repealed, and were still in force; and all such Rates and Arrears of Rates shall be paid to and received by the said Commissioners under this Act, or their Collector or Collectors appointed or to be appointed as herein mentioned, and shall and may be recovered in the same Manner and by the same Ways and Means as if such Rates or Arrears of Rates had been laid or assessed or had accrued or become due under and by virtue of this Act, and as the Rates under this Act may be recovered and levied by virtue of this Act.

Books under former Acts to be Evidence under this Act.

XXVII. And be it further enacted, That all Books of the said Commissioners under the said recited Act kept for entering the Proceedings at Meetings of the same Commissioners, and all Entries therein kept according to the Directions or Provisions of the same Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act of the Fiftieth Year of the Reign of His said late Majesty had not been repealed.

Contracts under former Acts to subsist.

XXVIII. And be it further enacted, That all Mortgages, Bonds, Covenants, Agreements, Contracts, Debts, Stipulations, and Securities and Conveyances of any Lands, Tenements, and Hereditaments made to or by or entered into on account of the Commissioners acting by or under the said recited Act, by any Person or Persons, to or with the same Commissioners, according to the Provisions of the same Act, shall, notwithstanding such Repeal of the said Act, subsist and continue and shall remain in full Force, and be carried into effect by and with the Commissioners under this Act, and shall be and continue available in all Courts of Law and Equity, for such Term and Terms, and in such Manner as according to the Tenor thereof respectively the same would have subsisted and continued, and ought to have been carried into effect by and with the said Commissioners under the said recited Act; and that all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the said Commissioners acting by or under the said recited Act, with or to any Person or Persons, for any Purpose relating to the Execution of the said recited Act, shall remain in full Force and Effect, and shall be observed and kept by the said Commissioners under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable

table Intent and Meaning thereof, notwithstanding such Repeal as aforesaid of the said recited Act.

Commissioners may contract for Works to be done.

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

Commissioners may compound for Breach of Contract.

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

Contracts to be signed by the Commissioners.

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

Officers appointed by former Acts to continue until removed.

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

XXXIII. And

Commissioners to appoint and remove Officers.

XXXIII. And be it further enacted, That the said Commissioners may and they are hereby empowered, by Writing under their Common Seal, to appoint a Treasurer or Treasurers, Clerk or Clerks, and also One or more Assessor or Assessors, Collector or Collectors of the Rates or Assessments to be collected, levied, and raised by virtue of this Act, and also a Surveyor or Surveyors, and also such other Officers and Persons, for the Execution of this Act, as they the said Commissioners shall think proper; and it shall be lawful for the said Commissioners from Time to Time to remove or suspend such Officers, and to appoint another or others in the Room of any of them who shall be so removed, or who shall die, or decline such Offices, or become incapable of acting therein, and out of the Monies to be raised by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to such Officers and other Persons as they the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his Office as they shall think proper: Provided always, that on the Removal, Death, or Resignation of every Clerk, Treasurer, Surveyor, and Collector, Notice be previously given of the Time and Place of meeting for the Purpose of filling up the Vacancy or Vacancies thereby occasioned, in One of the *Exeter* Weekly Newspapers, at least Twenty Days before the Election and Appointment of every such Treasurer, Clerk, Surveyor, and Collector as aforesaid.

Commissioners to take Security from the Treasurer.

Officers to account.

XXXIV. And be it further enacted, That all such Officers so to be appointed shall, under their Hands, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue of and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, on the Second *Monday* in *January* in every Year, or at the First Meeting of the said Commissioners then next following, although not thereunto required by the said Commissioners, lay his Accounts before the said Commissioners, in order that the same may be audited, passed, and allowed by them if approved of, verify their said Accounts; and if any such Officer shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, within Seven Days after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give

Proceedings in case of Default.

Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon a Complaint made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, or of any Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby required to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Commissioners; provided that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time than Six Calendar Months.

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

XXXV. And be it further enacted, That all and every Treasurer and Treasurers, Surveyor and Surveyors, and all and every Person and Persons appointed by virtue of or acting or who have acted in execution of the said recited Act, who shall have in his, her, or their Custody or Power any Monies collected by virtue of, or any Books, Papers, or Writings relating to the Execution of the said recited Acts or either of them, shall, when thereunto required by Notice in Writing signed by any Five or more of the said Commissioners, given to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, within Twenty Days after the Receipt of such Notice deliver up to the said Commissioners, or to such Per-

son or Persons appointed by them for that Purpose, at the Time and Place to be mentioned in such Notice, all the Monies received by him, her, or them by virtue of the said recited Acts, and all the Books, Papers, and Writings relating to the Execution thereof, and all the Accounts of the several Monies received or disbursed by him, her, or them, together with the Vouchers relating thereto; and if any such Treasurer or other Person shall refuse or wilfully neglect to make and render any such Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver up in manner aforesaid all Books, Papers, and Writings relating to the Execution of the said recited Act, or give Satisfaction to the said Commissioners, (who are hereby authorized and required to settle and discharge all and every Sum and Sums of Money which shall appear to be due and owing to such Treasurer or other Person upon any such Accounts,) then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place wherein such Treasurer or other Person so refusing or neglecting shall be or reside, upon Complaint made to him by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal for the Treasurer or other Person so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of the said recited Act shall be due from such Treasurer or other Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Treasurer or other Person as aforesaid; and if no Goods or Chattels of such Treasurer or other Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling such Goods and Chattels, or if it shall appear to such Justice that such Treasurer or other Person shall have refused or neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of the said recited Act shall be in the Custody or Power of such Treasurer or other Person, and he or they shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, (being paid or tendered such Balance, if any, which shall be due to him or them,) then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction within the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account, and make Payment as aforesaid, or until he shall compound with the said Commissioners for the said Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and

and until he shall deliver up all such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Commissioners; provided that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time than Six Calendar Months; provided also, that nothing herein contained shall extend to any Account settled and allowed according to and in pursuance of the said recited Act at any Time previous to the Commencement of this Act.

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

XXXVI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has been or may be appointed to act as their Clerk, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of such Treasurer or of his Partner, the Clerk of the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

XXXVII. And be it further enacted, That if any Clerk, Collector, Surveyor, or any other Officer or Servant employed by the said Commissioners in putting this Act or any of the Powers thereof in execution, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards as shall be appointed and allowed to them respectively by the said Commissioners, for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to the putting this Act into execution, or shall in anywise be concerned or interested in any Bargain or Contract made or to be made by the said Commissioners for any of the Purposes of this Act, every such Person so offending shall, upon Conviction thereof before the said Commissioners at any of their Meetings, or upon Verdict or Judgment being had against him in such Action as herein-after mentioned, be for ever incapable of serving or being employed, under this Act, in any Office of Profit

or

or Emolument, and shall, over and above, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed, in which no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasury to pay Money to the Order of the Commissioners.

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

All Monies to be paid to the Treasurer.

XXXIX. And be it further enacted, That all Monies whatsoever which shall be raised and collected by Order of the said Commissioners, or which shall be by them for the Purposes of this Act borrowed on Mortgage, or which shall be otherwise payable to them under any of the Provisions of this Act, shall from Time to Time be paid into the Hands of the Treasurer of the said Commissioners; and no Sum or Sums of Money shall be disbursed or paid by such Treasurer, on behalf or on account of such Commissioners, without such Order in Writing as is herein-before directed.

Pavement, &c. vested in Commissioners.

XL. And be it further enacted, That all the present and future Pavements in the several Streets, Highways, Lanes, and other public Passages and Places within the said City, and of such as shall hereafter be deemed public Highways under the Powers herein-after contained, and the Stones, Gravel, and other Materials of which as well the Footways as Carriageways of such Streets, Highways, Lanes, and other public Passages and Places do and shall consist, and also all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in or from the said Places or any of them, and also all Lamps, Lamp Irons, Lamp Posts, Watchboxes, Watchhouses, and other Houses and Buildings which now are or shall hereafter be used, erected, or fixed up by virtue of this Act, and all the Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong to and be the Property of and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the prosecuting of any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall stop, impede, interrupt, interfere with, or injure in any Manner any or either of the Streets, Highways, Lanes, and other public Passages and Places which now

or hereafter shall be in the said City and County of *Exeter*, or who shall steal, take, or carry away, detain and spoil, injure or destroy, the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictments respectively it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the *Exeter* Improvement Commissioners, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles or Things, or any Part or Parts of the same respectively, to such Person or Persons and in such Manner as they the said Commissioners shall think proper.

Penalty for wilfully interrupting the Passage of the Streets or damaging the Materials.

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

Commissioners to direct where Materials for paving may be lodged.

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

XLIII. And

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

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

Commissioners empowered to pave, &c.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time and at all Times hereafter, when they shall think proper, to order and direct all or any of the several Streets, Highways, Lanes, public Passages and Places of the said City and County of the same, or any Part or Parts thereof (except as herein excepted), to be new-paved, flagged, repaired, and amended, and the Pavements and Flaggings thereof to be taken up and relaid, and the Ground thereof to be raised, lowered, or altered, from Time to Time, in such Manner and with such Materials as they shall think fit, and cause to be cut or made, in, through, over, or under any such Streets, Highways, Lanes, public Passages and Places, any Sewers, Drains, Sinks, Gutters, or Watercourses, and Grates, to be placed for conveying the Water from such Streets, Highways, Lanes, public Passages and Places, in such Manner as they shall think proper; and it shall and may be lawful to and for the said Commissioners to take up and remove or cause to be taken up and removed all or any Posts, Rails, Pales, or Trees in such Streets, Highways, Lanes, public Passages or Places, or any of them, as they the said Commissioners shall judge useless, or to be a Nuisance either to the Foot Passengers or Carriages.

No Person to alter Pavement without Consent of the Commissioners.

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

the Authority of the said Commissioners, such Costs and Charges shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

For repairing the Pavement when broken by Water Pipes, or decayed, &c.

XLVI. And be it further enacted, That whenever the Pavement or Flagging, or other formed Surface of any of the said Streets, Lanes, public Passages and Places within the said City and County of the same, shall be broken up for the Purpose of laying, altering, or repairing any Water Pipe or Pipes, Plug or Plugs, or other Waterworks, or by the Defect or Decay thereof, or for the Purpose of laying or altering any Gas Pipe or Pipes, Plug or Plugs, Cock or Cocks, or other Matters or Things in any way connected with or relating to any Gasworks or Waterworks now or hereafter to be established in this City, or for the Purpose of making or repairing any Vault, Drain, or Sewer under the said Streets, Lanes, Roads, public Passages or Places, or any of them, or for any other lawful Purpose, the Person or Persons breaking up the same, or liable to the Repair of such Water Pipe or Gas Pipe or Pipes, Plug or Plugs, or Waterworks or Gasworks, Vaults, Drain, or Sewer, and the Person or Persons for whom or by whose Order the same shall be so done, shall, and he, she, or they is and are hereby required to give Notice in Writing thereof, to be left at the Office of the Surveyor of the said Commissioners, and at their own proper Costs and Charges to alter, lay, make, or repair such Water or Gas Pipe or Pipes, Plug or Plugs, or other Waterworks or Gasworks, Vault, Drain, and Sewer, without the least Delay, and forthwith afterwards to relay, amend, and repair the Pavement of the said Street, Lane, public Passage or Place so broken up, in a good and substantial Manner, to the Satisfaction of the said Commissioners, or their Surveyor appointed for the Purposes of this Act; and in default thereof it shall and may be lawful to and for the said Surveyor to the said Commissioners, or any Person or Persons acting by and under the Authority of the said Commissioners, to repair and make good the Street, Lane, public Passage or Place so broken up, and the Costs and Charges thereof shall be paid and borne by the Person or Persons by whom or by whose Order such Street, Lane, public Passage or Place, or any Part thereof, shall have been so broken up; and in default of Payment thereof for Ten Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners, such Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered in such and the like Manner as any Penalty can or may be levied and recovered by virtue of this Act from the Person or Persons so making such Default.

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

XLVII. And be it further enacted, That if for the Purposes of this Act it shall at any Time or Times be deemed necessary and expedient by the said Commissioners to raise, sink, or otherwise alter the Situation of any Water or Gas Pipe or Pipes, Plug or Plugs, or other Waterworks or Gasworks, so far as the same are laid or placed in any of the public Streets or Ways of the said City and County of the same, it shall and may be lawful to and for the said Commissioners and they are hereby empowered so to do or cause the same

to be done when and as often and in such Manner, and in such Place or Places, as they the said Commissioners or any Five or more of them shall think right and proper; provided that the Water or Gas Pipe or Pipes, Plug or Plugs, or other Waterworks or Gasworks, be not injured thereby, or the Water or Gas prevented from flowing in its proper Channel; and the Costs, Charges, and Expences attending such raising, sinking, and altering shall be paid, out of the Money arising by virtue of this Act, by the said Commissioners.

Recompence to be made for Damage done to Water and Gas Pipes.

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

Power to take Materials.

XLIX. And be it further enacted, That the Surveyor appointed by the said Commissioners by virtue of this Act, or such Person or Persons as the said Commissioners or such Surveyor shall employ or appoint, having an Order in Writing for that Purpose made at a Meeting of the said Commissioners, is and are hereby authorized to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Sand, Clay, Chalk, or other Materials, for the Purpose of paving, flagging, mending, or repairing any of the said Streets, Highways, Lanes, public Passages and Places, out of or from any common or waste Ground, or common River or Brook or Pit, within the several Parishes in the said City and County of the said City of *Exeter*, without paying any thing for the same, they the said Commissioners causing the Pits or Holes to be filled up and the Ground to be levelled, or otherwise causing the Banks where such Materials shall be taken to be sloped down, and the Pits or Holes to be fenced off, so that the same may not be dangerous to Horses or Cattle; and it shall and may be lawful for such Surveyor, or such Person or Persons as he shall appoint, having an Order in Writing for that Purpose, made in manner herein-before directed, to enter, search for, dig, cut, gather, take, and carry away any Stone, Gravel, Sand, or other Materials, for the Purposes aforesaid, out of or from any Lands or Grounds situate in the City of *Exeter* and County of the same, (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleasure Ground, Avenue, or Nursery for Trees,) such Surveyor or other Persons paying or tendering to the Owners or Occupiers of such Lands and Grounds, for such Materials, and for Damage done to such Lands or Grounds, such Recompence and Satisfaction as shall be agreed upon by the said Commissioners and such Owners and Occupiers, or (in case of any Difference touching the Amount of such Recompence and Satisfaction) as shall be settled and determined by the Justices assembled at a General Quarter Sessions of the Peace

for the said City and County, who shall in a summary Way settle and determine the same, and award Costs to either Party; and the Judgment or Order of such Justices therein shall be final and conclusive to all Parties; and the said Commissioners shall have full Power and Authority to cause to be dug, carted, and carried out of or brought into the said Streets, Highways, Lanes, public Passages and Places, such Gravel, Stones, Sand, Clay, Chalk, and other Materials.

Notices to be given before Materials are taken.

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

Lamps to be set up.

LI. 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 Commencement of this Act, to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and Matters and Things, for lighting such Lamps, as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls or Palisades of all or any of the Houses, Tenements, or Buildings, or against any other Walls within the said City and County of the said City, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or removed when and as often as they shall think fit, repairing any Damage thereby done, or making Compensation for the same, and where any such Lamps shall be lighted with Gas, then with the Consent of the Owners and Occupiers thereof to the affixing and continuing the same, and to cause such Lamps or any of them to be lighted with Gas, Oil, or otherwise, at such Seasons of the Year, on such Evenings, and such Hours of the Evening, and to be kept burning for so many Hours, as shall to them the said Commissioners seem necessary or proper for the well and sufficient lighting of all or any of the said Streets, Lanes, Passages, and Places within the said City and County of the same, although the same or any of them shall not be public Highways.

Penalty for conveying Washings into any River, Stream, &c.

LII. Provided always, and be it further enacted, That if the Company or Companies, or other Person or Persons, Proprietor of any Gasworks now or hereafter to be established within the said City or County of the same, or any other Person or Persons whomsoever, shall at any Time drain or convey or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be produced in the Prosecution of any such Gasworks, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in each and every such Case the said Company or Companies, or Person or Persons, Proprietors as aforesaid, or other Person or Persons, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed; and one Moiety thereof shall be paid to the Person or Persons who shall inform and sue for the same, and the other Moiety to the Corporation or Company, or other the Person or Persons against whom any such Annoyance, Act, or Thing shall have been done or committed, or who shall have been injured thereby: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Company or Companies or other Person or Persons, Proprietors as aforesaid, and the said Company or Companies or other Person or Persons, Proprietors as aforesaid, shall not within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury,

Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company or Companies or Person or Persons, Proprietors as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied.

For preventing Escape of Gas.

LIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which have already or shall hereafter be laid down or set up by any Company or Companies, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said City and County of the same, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Company or Companies or other Person or Persons, Proprietors as aforesaid, shall, immediately after Notice of any such Escape of Gas given to them or him in Writing from the said Commissioners, or their Surveyor or other Officer, within the said City and County of the same, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company or Companies or other Person or Persons, Proprietors as aforesaid, shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any further Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company or Companies or other Person or Persons, Proprietors as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath (or Affirmation if a Quaker) of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said City and County of the same, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Contractor or Contractors or Person or Persons, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage thereby.

Gas Pipes to be laid Four Feet from Water Pipes, and in a

LIV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Square, Market Place, Highway, Lane, Road, Path, or other Passage or Place in the said

said City and County of the same, or the Neighbourhood or Environs thereof, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street, Square, Market Place, Highway, Lane, Road, Path, or other Passage or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Squares, Market Places, Highways, Lanes, Roads, Paths, Passages, or other Places in the said City and County of the same or the Neighbourhood or Environs thereof (unless in Cases where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall, if practicable, be laid at a Distance of at least Six Inches under or over such Water Pipes, and in such Cases the said Pipes for the Conveyance of Gas so crossing the said Water Pipes shall be at least Six Feet in Length, so that no Joint of any of the said Pipes for the Conveyance of Gas shall be nearer to any Part of the said Water Pipes than Three Feet at least); and in laying down the said Pipes for the Conveyance of Gas the Person or Persons to whom the same shall belong shall in no Case join Two or more Pipes for the Conveyance of Gas together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom or from any Part thereof, upon pain of forfeiting for every such Offence the Sum of Five Pounds, which shall be paid to any Person annoyed or damaged by any such last-mentioned Act who shall be the Informer, or to any other Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed, and which shall be levied and recovered as any other Penalty is by this Act directed to be levied and recovered.

particular Manner.

LV. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for any Company or Proprietor or Proprietors of Waterworks to dig to and about and search and examine the Main Pipes, Conduits, and Apparatus of the said Company or Companies or Person or Persons, Proprietors as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Company or Companies or Person or Persons, Proprietors as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas from any of the Mains, Pipes, Conduits, or Apparatus of the said Company or Companies or Person or Persons, Proprietors as aforesaid, the Costs and Expences of the digging, Search, Examination, and Repair of the Pavement

For ascertaining if the Water is contaminated.

of the Street or Streets which shall be taken up or disturbed shall be borne and paid by the said Company or Companies or other Person or Persons, Proprietors as aforesaid, which Costs and Expences shall be ascertained and determined, if necessary, by such Justices aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, Conduits, or Apparatus of the said Company or Companies or Person or Persons, Proprietors as aforesaid, then and in such Case the said Company or Proprietor or Proprietors of Waterworks shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Company or Companies or Person or Persons, Proprietors as aforesaid, any Loss, Injury, or Damages which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company or Companies or Person or Persons, Proprietors as aforesaid, in and by such Search or Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

Gas Company to prevent the Escape of Gas and Contamination of Water, &c.

LVI. And be it further enacted, That whenever the Water of any Company or Proprietor or Proprietors of Waterworks shall be contaminated or affected by the Gas of the Company or Companies or any Person or Persons, Proprietors of, or making, furnishing, or supplying the said City with Gas, such Company or Companies or any Person or Persons, Proprietors as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the Company or Proprietor or Proprietors affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case or Cases the said Company or Companies or Person or Persons, Proprietors as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Manager or Chief Clerk for the Time being of and for such Company or Proprietor or Proprietors of any Waterworks, to be left at the usual Office or Place of transacting the Business of the said Company or Companies or other Person or Persons, Proprietors of Gasworks as aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the said Company or Companies or Person or Persons, Proprietors of any Gasworks as aforesaid, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof such Notice shall be given as aforesaid, that then and in every such Case the said Company or Companies or Person or Persons, Proprietors as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being

being of the Company or Proprietor or Proprietors of Waterworks affected, for the Use and Benefit of the same Proprietor or Proprietors, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the Water of the said Company or Proprietor or Proprietors shall be and remain contaminated, tainted, or affected by the Gas of the said Company or Companies or Person or Persons, Proprietors of Gasworks as aforesaid; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath, or Affirmation if a Quaker, of One credible Witness, by and in the Name of the Treasurer of the said Company, or the Proprietor or Proprietors of Waterworks, before any Justice of the Peace for the said City and County of the same, with Costs, to be assessed by such Justice, and to be levied and recovered as any other Penalty is by this Act directed to be levied and recovered; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer for the Time being of such Company or Proprietor or Proprietors.

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

LVII. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the said Company or Companies or Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said City and County of the same, for lighting any Street, Highway, or other Place, or any House, Manufactory, or other Building therein, or any of the Servants or Officers or Workmen of the said Company or Companies or other Person or Persons, Proprietors as aforesaid, from any Indictment or Prosecution for a public or private Nuisance, in respect of any Works, or the Means which shall be employed by them in making the said Gas, or using the same, or furnishing any such Gas Light, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Power to contract with any Gas or Water Company.

LVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract with any Gas Light Company, or any Company or Person or Persons supplying the said City with Gas, now or hereafter to be established within the said City and County of the same or the Neighbourhood thereof, for lighting the said City and County of the same with Gas or Oil, or otherwise, and also to contract with the Proprietors of the *Exeter* Waterworks, or any Company or other Person or Persons now or hereafter supplying the said City with Water, and established within the said City and County of the same or in the Neighbourhood thereof, for watering the Streets and Ways of the said City, and supplying Water for cleansing the Sewers, Drains, and Gutters thereof, for any Number of Years or other Time, and upon such Terms and Conditions respectively, as the said Commissioners shall from Time to Time think proper.

LIX. And

Penalty for wilfully breaking Lamps.

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

Persons accidentally breaking Lamps to make Satisfaction.

LX. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any Lamp or Lamps being hung out or set up by the Order of the said Commissioners, or by any Person or Persons at his, her, or their private Expence, or any Post, Iron, Cover, or Furniture thereof respectively, and shall not, upon Demand, make Satisfaction for the Damage so done, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said City and County of the same, and he is hereby required, upon Complaint thereof made by One or more credible Witness or Witnesses, by Warrant under his Hand to summon before him the Party or Parties complained of for doing such Damage, and

and upon his, her, or their appearing or making default to appear, (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found,) such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either upon Confession of the Party or the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done to the said Commissioners, or other Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith it shall and may be lawful to and for such Justice, and he is hereby required, to cause the same to be levied and recovered as any Fine or Penalty can or may be levied by virtue of this Act.

Commissioners to ascertain the Number of Watchmen necessary to be employed, and provide Watch-houses, &c.

LXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized from Time to Time to ascertain and determine what Number of Persons shall be employed as Watchmen within the said City and County of the same during the Night-time, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf, and to provide proper Watch-houses, Watchboxes, or Places for the Reception of such Watchmen, and for the safe Custody of such Persons as may be apprehended by such Watchmen while on Duty, and to fix and determine the Wages and other Allowances which shall be paid such Watchmen respectively, and to pay such Watchmen such Wages or Allowances, and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations or any of them, and to substitute others: Provided always, that when the Number of such Watchmen shall have been determined by the said Commissioners, then and in such Case the Mayor and Justices of the Peace of the said City and County shall within Seven Days next after the said Number shall have been so determined nominate and appoint such fit and able-bodied Men for such Watchmen as to them shall seem right and proper, and also from Time to Time shall nominate and appoint One or more fit Person or Persons in the Stead of any Watchman or Watchmen who shall die, or shall be discharged from his or their Office for Neglect of Duty or other Misbehaviour in Office, within Three Days after any such Vacancy shall be notified in Writing by the Clerk to the said Commissioners to the Town Clerk for the said City and County; and it shall and may be lawful to and for the said Mayor and Justices of the Peace, upon Complaint made by the said Commissioners, to remove any such Watchman or Watchmen as to them shall seem right and proper.

Mayor and Justices to appoint Watchmen.

Duties of Watchmen.

LXII. And be it further enacted, That the said Watchmen shall and they are hereby required, as often in every Night as shall be ordered by the said Commissioners, to go about their respective Districts and Rounds; and the said Watchmen shall in their several Courses of Service use their utmost Endeavours to prevent Fires,

and also to keep Watch and Ward within the said City and County of the same, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace; and to that end the said Watchmen respectively shall and may and they are hereby empowered and required to apprehend and arrest all Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, Persons parading in Procession on Occasion of any Turn-out of Workmen, or loitering in Groups in the said City and County of the same, or in any Yard or other Place therein, and not giving a satisfactory Account of themselves, and all drunken, riotous, disorderly, or suspected Persons, Prostitutes, and Night-walkers, Persons shouting or making loud Noises in the Streets, or who shall be found otherwise misbehaving or wandering within the said City and County of the same, or upon any Road, Way, or Passage leading into or out of the said City and County, or Persons singing Ballads therein, Persons who shall insult any Female by using obscene Language or by indecent Exposure of the Person, Persons found loitering in Groups in the Streets, Highways, Footways, public Passages or Places within the said City and County of the same, to the Annoyance or Obstruction of Passengers or Inhabitants of the said City and County, or in anywise wilfully obstructing or hindering the free Passage of any of the said Streets, Highways, Footways, public Passages or Places, Persons by any other Means disturbing the good Order and public Peace of the said City and County, and convey all such Persons to and lodge them in any Place of Security within the said City and County which shall be provided and appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace, to be examined and dealt with according to Law.

Penalty on Watchmen for Neglect of Duty.

LXIII. And be it further enacted, That if any of the said Watchmen so appointed or employed as aforesaid, or any of their Substitutes approved by the said Commissioners, shall at any Time wilfully neglect to attend in their respective Turns of Service to keep Watch or Ward within the said City and County of the same at the several Hours appointed by the said Commissioners for their Attendance thereon, or shall not observe and perform all the Orders, Rules, and Regulations made by the said Commissioners for their Conduct and Government in their aforesaid Employment, or shall in any other Manner neglect their Duty or misbehave, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Shillings, and also shall be immediately dismissed from his said Employment if the said Commissioners shall think proper.

Watchmen guilty of Misconduct liable to be punished.

LXIV. And be it further enacted, That in case any Watchman to be appointed by virtue hereof shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall and may be lawful to and for any Two Justices of the Peace for the said City and County, upon Complaint against any such Watchman of any such Neglect or Misconduct, to commit any such Watchman to the Common Gaol or House of Correction for the said City and County for any Time not exceeding Three Calendar Months.

LXV. And

Penalty on Victuallers harbouring Watchmen on Duty.

LXV. And be it further enacted, That if any Victualler or Keeper of a Public House, Beer House, or Retailer of Spirits shall knowingly harbour or entertain or suffer to remain in his or her House any such Watchman as aforesaid during any Part of the Time appointed for his being on Duty, every such Offender shall, on Conviction, forfeit and pay any Sum not exceeding Forty Shillings.

Power to reward disabled Watchmen.

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

Occupiers of Houses to cleanse Footways every Morning, except Sundays and during Frost.

LXVII. And be it further enacted, That the several and respective Occupiers of Houses, Buildings, Yards, and other Premises next adjoining the several Streets, Squares, Places, Ways, Lanes, Roads, Paths, Courts, or other public Passages and Entries within the said City and County of the City of *Exeter*, the Churchwardens and Chapelwardens of every Church or Chapel, the Owner or Owners of any dead Wall and other Fences and vacant Pieces of Land, the Trustee or Trustees, Treasurer, Owner, or Occupier, and Minister of every Meeting House or Place of public Worship, and the Person or Persons who for the Time being shall be the ostensible Director or Directors, Manager or Managers of every Hospital, School, Theatre, or other public Building respectively situate or being next adjoining the same several Streets, Squares, Places, Ways, Lanes, Roads, Paths, Courts, or other public Passages and Entries, shall and they are hereby required to cause the several Footways along the whole Length of the Front of their respective Houses, Buildings, and Premises aforesaid, and to the full Extent of the said Footways before, behind, and on the Side or Sides of the same respectively, to be well and sufficiently cleansed every Morning (except on *Sundays* and during Frost) before the Hour of Ten of the Clock; and every such Person making default therein shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

Commissioners may compound for such cleansing as aforesaid.

LXVIII. 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 by the Year or otherwise with all and every the Occupiers of Houses or Buildings or other Person or Persons within the said City and County hereby made liable to the cleansing of Footways, for relieving the Person or Persons so compounding from the Burthen of such cleansing, and from all Penalties for any Neglect thereof, at or for such Sum or Sums of Money as the said Commissioners and such Person or Persons shall agree upon in that Behalf, upon Condition nevertheless that such Composition Monies shall always be paid in advance.

Occupiers of Houses, &c. to lay Sand, &c. in Time of Frost.

LXIX. And be it further enacted, That in case of any Frost the several and respective Occupiers of Houses and Buildings, and all other Persons by this Act made liable to the sweeping and cleansing the several Footways and Foot Pavements next adjoining to their several

several and respective Premises, shall and they are hereby required, before Ten of the Clock in every Morning during the Continuance of such Frost, well and sufficiently to lay, scatter, and spread Sand, Ashes, Dust, or other proper Materials on the Footways before their respective Premises, for the preventing of Accidents thereon; and every such Occupier or other Person making default in the Premises shall for every such Offence or Neglect forfeit and pay any Sum not exceeding Twenty Shillings.

Commissioners to appoint or contract with Scavengers.

LXX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required from Time to Time to appoint and employ any Person or Persons to be and act as Scavenger or Scavengers, and to purchase or hire any Cart or Carts or other Carriage or Carriages, and also any Horse or Horses, for cleansing and watering the Streets, Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages and Entries within the said City and County of the same City, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away from the same, and from Time to Time to order and direct on what Days and at what Times in every Week the particular Streets, Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages and Entries within the same City and County shall be cleansed and watered, and the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such Orders and Directions to any such Scavenger or Scavengers as shall appear necessary to such Commissioners; or otherwise it shall be lawful for the same Commissioners from Time to Time to contract with any Person or Persons willing to act as such Scavenger or Scavengers for the cleansing and watering of the same Streets, Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages and Entries within the same City and County of the same, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away from the same at such Times and in such Manner as shall appear expedient to such Commissioners.

Scavengers Duty.

LXXI. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners under this Act for cleansing the several Streets, Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages and Entries within the said City and County of the said City, or the Person or Persons employed by or acting under the Directions of such Person or Persons so contracting with the said Commissioners under this Act, shall, on such Days and at such Times as such Commissioners shall from Time to Time appoint, sweep and collect together all Dirt, Dust, Dung, Ashes, Rubbish, Filth, and Soil in such Streets, Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages and Entries, and shall also bring or cause to be brought a Cart or other proper Carriage or Carriages into such Streets, Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages and Entries within the said City and County of the said City where such Cart or other Carriage can pass, and shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from such several Streets,

Squares,

Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages and Entries within the said City and County of the said City, and put the same into such Cart or Carriage; all which Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil such Person or Persons shall then immediately, or as soon as may be, carry away or cause to be carried away to the Place or Places appointed by the said Commissioners under this Act for the depositing the same, upon pain of forfeiting and paying any Sum not exceeding Forty Shillings for every such Offence or Neglect therein; and the Person or Persons so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Letters on the Side of every Cart or Carriage used for the Purpose aforesaid, on pain of forfeiting and paying any Sum not exceeding Five Shillings for every Neglect therein.

No Dirt, &c. to be taken from the Streets except by the Scavengers.

LXXII. And be it further enacted, That no Person or Persons shall take or carry away or cause to be taken or carried away any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth (other than such Rubbish or Dirt occasioned by Buildings as aforesaid) out of any of the said Streets, Ways, or other public Passages or Places within the said City and County of the same, except the Person or Persons so to be by the said Commissioners under this Act appointed, or contracted with as Scavenger or Scavengers, for the Purpose of cleansing the same, upon pain of forfeiting and paying the Sum of Twenty Shillings for every such Offence.

Penalty on casting Rubbish into the Sewers.

LXXIII. And be it further enacted, That if any Person or Persons whosoever shall throw or cast or cause to be thrown or cast any such Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth, or any Animal or Carcass, or any noxious or offensive Materials or Ingredients, or any other Substance whatsoever, into any Common Sewer, Drain, Sink, public Well, Pump, Pond, Pool, or Reservoir for Water within the said City and County of the same (except such Night Soil or other Filth as may be conveyed into any Common Sewer or Sewers from any Water Closet or Water Closets within the said City and County of the same), every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty not to extend to Rubbish occasioned by building.

LXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty by this Act inflicted for or on account of any Dirt or Rubbish or Materials for building being laid or placed in any such Street as aforesaid in the course of erecting, pulling down, altering, or repairing any Building or Buildings, so as there be full and sufficient Space, in the Opinion of the said Commissioners, left in or at the Side of the Street where such Dirt or Rubbish or Materials shall lie or be placed for Carriages to pass and repass, and a sufficient Way be kept clean for Foot Passengers, by the Person or Persons laying or causing such Dirt or Rubbish or Materials to be laid or placed as aforesaid, and so as a sufficient Light be, at his, her, or their own Expence, set and maintained at the Place where such Dirt or Rubbish or Materials shall be so laid or placed from Sunset to Sunrise, to prevent any Accident

to Passengers or Cattle, and so as such Dirt or Rubbish or Materials be enclosed and fenced about in such Manner and within such Time as the said Commissioners, or any Officer or other Person appointed by them in that Behalf, shall, by any Notice to be by them or him given to such Person or Persons, direct or appoint, and so as such Dirt or Rubbish or Materials be removed at the Expence of the Person or Persons so laying or causing the same to be laid within such Time as shall be expressed in any Notice to be in like Manner given by the said Commissioners, or any such Officer or other Person appointed by them in that Behalf; and in case the same shall not be removed according to such Notice the Person or Persons so making default shall (in addition to any Penalty herein in that Behalf imposed) forfeit and pay the Sum of Five Shillings a Day for every Day such Dirt or Rubbish or Materials shall be unfenced or shall continue unremoved after the Expiration of the Time specified in such Notice, and the Sum of Five Shillings for every Night such Light shall not be set or maintained as aforesaid.

Inhabitants may use their own Ashes, &c.

LXXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth which shall have arisen or been made within his, her, or their respective Houses, Buildings, Yards, or Premises, or for making use of the same for Manure or otherwise, so as the same be not suffered to remain there to become putrid, or otherwise a Nuisance or Annoyance to any of the Inhabitants of the said City and County, and so as the same be not laid down or placed in any Street, Square, Highway, Lane, Road, Path, or other public Passage or Entry within the said City and County of the same for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person or Persons so reserving such Dirt, Dust, Dung, Offal, Rubbish, Ashes, or other Filth shall continue to keep the same for the Space of Twenty-four Hours after Complaint shall have been made and proved to the said Commissioners of the same being such Nuisance or Annoyance to any of the said Inhabitants, and after Notice in Writing given to him, her, or them by the Clerk or Surveyor of the said Commissioners to remove the same, or shall permit or suffer the same to remain in any such Street, Square, Highway, Lane, Road, Path, or other public Passage or Entry as aforesaid for any longer Time than Four Hours before the same shall be removed and carried away, then and in either of the said Cases every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Day that such Annoyance shall be permitted to remain after the respective Times so limited as aforesaid.

Streets may be watered, and Wells dug.

LXXVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Streets, Squares, Places, Highways, Lanes, Roads, Ways, Paths, and other public Passages and Entries within the said City and County of *Exeter* to be watered at such Seasons and Times as such Commissioners shall direct, and to provide such Engines, Carts, and Labour for that Purpose as such Commissioners shall think proper,

and for the Purpose of watering to cause such Number of Wells, Pipes, and Pumps to be dug, sunk, laid down, or set up in any of the said Streets or Places as they shall think necessary, and from Time to Time to alter and repair the same as there shall be Occasion, and also to defray the Expences thereof out of the Monies to be raised by virtue of this Act; provided that no such Well, Pipe, or Pump shall be sunk, laid down, or set up so as to injure any House or other Building in or any Vault or Cellar made under any of the said Streets or other Places; provided also, that nothing herein contained shall extend or be construed to extend to empower the said Commissioners to supply the Inhabitants with Water.

Water from Roofs of Houses to be carried off by Spouts and other Pipes.

LXXVII. And be it further enacted, That the Proprietor or Proprietors or Occupier or Occupiers for the Time being of each House, Wall, or Building in or adjoining any Street, Lane, or other public Passage or Place within the said City and County of the said City shall, within Six Days next after Service of any Order or Direction for the Purpose, signed by Five or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place and for ever afterwards keep in repair and condition a Shute, Spout, or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building in such a Manner that such Water shall not fall upon or incommode the Persons passing over or along any Footpath; and every Tenant or Occupier at Rack Rent of any such House or other Building, who shall put up or place any such Shute, Spout, Trough, Pipe, or Trunk, or keep the same in repair, shall be entitled to deduct, out of the Rent payable to the Owner or Proprietor or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing or in keeping in repair any such Shute, Spout, Trough, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him, her, or them for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them by the Owner or Owners or Proprietor or Proprietors of such House or Building out of such Rent; and if any such Proprietor or Proprietors or Occupier or Occupiers shall for the Space of Six Days next after Service as aforesaid of any such Order or Direction neglect to put up or place or neglect to repair any Shute, Spout, Trough, Pipe, or Trunk as aforesaid, then and in any and every such Case it shall be lawful for the said Commissioners to cause any such Shute, Spout, Trough, Pipe, or Trunk to be put up or placed against any such House or Building at the Expence of the Proprietor or Owner thereof; and in case any such Proprietor or Owner thereof shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as the Rates or Assessments by this Act granted may be levied and recovered.

LXXVIII. And

Water from Buildings to be conveyed in Drains.

LXXVIII. And be it further enacted, That no Water shall be permitted to drain from any Building upon the Footpath of any Street, Square, Highway, or public Place, but all such Water shall be conveyed from Buildings in covered Pipes or Tunnels, where practicable, below the Surface of the Pavement or Flagging of the Footpath, and where impracticable, on account of the Level of the Street, in Channels formed in the Pavement or Flagging of the Footpath; nor shall any Water be pumped up or discharged from any Building upon the Footpath of any Street, Square, Highway, or public Place, but the same shall be conveyed over or under the Footpath by Spouts or Trunks to the Drain or Channel of the Street; nor shall any Smoke or Steam from any close Boiler be discharged from the Front, Side, or End of any Building into any Street, Square, Highway, or public Place, under the Penalty for each Offence of any Sum not exceeding Forty Shillings.

No Smoke or Steam to be discharged from the Fronts of Buildings.

How Pipes, &c. for conveying Water shall be laid.

LXXIX. And be it further enacted, That for the Purpose of laying or forming such Pipes, Tunnels, or Channels as aforesaid it shall be lawful for the Proprietors of any Buildings, and they are hereby required, at their Expence, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite, and to lay down and form the said Pipes, Tunnels, or Channels under the Directions of the Surveyor of the said Commissioners; and all Damage which may be thereby occasioned to the Flagging or Pavement of the Footpath or Carriageway shall be made good, and shall be paid by the said Proprietors of Buildings to the Surveyors of the said Commissioners; and in the Event of any Neglect or Refusal to make good or pay the Amount of such Damages such Amount shall and may be recovered as any Penalties, Rates, or Assessments are by this Act authorized to be recovered: Provided always, that where Default shall be made in the Formation of any such Pipes, Tunnels, or Channels in manner aforesaid, it shall and may be lawful to and for the said Surveyor to the said Commissioners, or any Person or Persons acting by and under the Authority of the said Commissioners, to lay down and form such Pipes, Tunnels, and Channels, and the Costs and Charges thereof shall be paid and borne by the Proprietors of any such Buildings; and in default of Payment thereof for Ten Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners, such Costs and Charges, together with any Sum not exceeding Twenty Shillings by way of Penalty, shall and may be levied and recovered in such and the like Manner as any Penalty can or may be levied and recovered by virtue of this Act from the Person or Persons so making such Default.

Penalty for covering Houses with Thatch.

LXXX. And for the greater Safety of the Inhabitants of the said City and County of the City from Danger by Fire, be it further enacted, That no Person or Persons whomsoever shall at any Time hereafter cover any House or other Building being in or adjoining to the Streets, Squares, and Rows of Houses within the said City and County of the same, either wholly or in part with any Straw or Thatch, nor shall cause or procure any such House or Building to be

be so covered, or the Covering of any such House or Building to be renewed with such Materials, under pain of forfeiting and paying for every such Offence any Sum not exceeding Ten Pounds; and it shall be lawful for the said Commissioners under this Act to order and cause any Straw or Thatch which shall be placed on any House or Building in the said Streets, Squares, or being Part of any Row of Houses in the said City and County of the same, contrary to the Provisions aforesaid, to be taken down and removed at such Time and in such Manner as to them shall seem meet; and the same shall and may accordingly be taken down and removed by any Person or Persons authorized or employed by the said Commissioners under this Act for such Purpose after Fourteen Days previous Notice given to the Owner or Occupier of such House or other Building, and without such Person or Persons so authorized or employed being deemed a Trespasser or Trespassers, or being liable to any Action, Indictment, or other Proceeding at Law, for or by reason of taking down or removing the same: Provided always, that nothing herein contained shall extend or be construed to extend to Houses and Buildings within the said City and County of the same not being within the Distance of Five Land Yards of any other Building.

For preventing Injury to Chapels, &c.

LXXXI. And be it further enacted, That if any Person or Persons whosoever shall injure, damage, or deface any Wall, Pillar, Door, Window, or other external Part of any Church, Chapel, public School, or other public Building whatsoever within the said City and County of the same, or any Tomb, Monumental Stone, or Inscription in any such Churchyard or Burial Ground as aforesaid, or shall fix up any Bills or Papers (other than such Notices as may be directed by Parliament or other competent Authority) against any of the aforesaid Edifices or any of the Walls or Doors thereof, or shall write with Chalk or any other Matter thereon, or shall play at Ball or Fives upon or against the same, or shall deposit any Filth or commit any Nuisance upon, in, about, or against any of the aforesaid Edifices, or the Walls, Doors, or Steps thereof, or in or about any such Churchyard or Burial Ground as aforesaid, then and in any of the said Cases every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Commissioners may provide a Public Office, Watch-houses, &c.

LXXXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to provide and maintain a fit and convenient public Office or Offices within the said City and County of the City of *Exeter*, for holding the Meetings and transacting the Business of such Commissioners, and for the holding of such other public Meetings and transacting such other public Business relating to the same City and County as such Commissioners shall from Time to Time direct or allow to be held or transacted therein, and also to provide Watch-houses, Lock-up-houses, or other Places of Security within the same City and County, wherein may be lodged any Night-walkers, Felons, Malefactors, Vagrants, Disturbers of the Peace, and Beggars within the same City and County, until they can be conveniently carried before some Justice of the Peace to be examined and dealt with according to Law, and also to provide Land and Buildings fit and convenient

convenient for the Deposit of the Dirt, Dung, Ashes, and other Filth to be swept and collected under the Authority of this Act, and for the Accommodation of all Horses, Carts, Tools, Implements, and other Articles, Matters, and Things to be used and employed by or by the Direction of the said Commissioners under the Authority of this Act, and for any of such Purposes to purchase or hire any Lands, Messuages, or Buildings, or any Part of any Messuages or Buildings, which shall by the said Commissioners be considered necessary, of and from any Person or Persons who shall be willing to sell or let the same, or otherwise to purchase or hire Ground from any Person or Persons who shall be willing to sell or let the same, and to cause any new Erection or Buildings to be made upon any Land or Ground which shall be so purchased or hired, and from Time to Time to let, surrender, give up, or sell the said Office, and all other the Premises aforesaid, and to purchase or hire any other Lands, Messuages, or Buildings, or Parts of Messuages or Buildings, or Land or Ground, whereon to erect any Building or Buildings for the Purposes aforesaid; and the said Commissioners are hereby authorized and empowered to take and accept any Lease or Leases, Conveyance or Conveyances of such Lands, Messuages, or Buildings, or Parts of Messuages or Buildings, Land, or Ground, to them the said Commissioners, in Trust for the Purposes aforesaid, and in like Manner to make any Assignment or Assignments, Conveyance or Conveyances of any such Place or Places, Messuages or Buildings, Land or Ground, that they may think proper to sell as aforesaid; and it shall be lawful for the said Commissioners from Time to Time to make and establish such Rules, Orders, and Provisions for the Use and Management of such public Office or Offices, Watch-houses, Lock-up-houses, or other Places of Security, and for airing, warming, lighting, cleansing, and repairing the same, and for the Use and Management of any such Lands and Buildings, and to make such Allowance or Allowances to the Keeper or Keepers of the same public Office or Offices for his or their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the said Commissioners.

For Removal of Slaughter Houses, &c.

LXXXIII. And be it further enacted, That if any Blacksmith's Shop, Slaughter House, Swinestye, Necessary House, Dungheap, or Sewer in or near any of the Streets, Squares, Places, Highways, Lanes, Roads, Paths, or other public Passages or Entries within the said City and County of the same, shall be considered by any of the Inhabitants of the said City and County of the same as a Nuisance or Annoyance, it shall be lawful for the said Commissioners from Time to Time, upon Complaint thereof being made to them by any of such Inhabitants, to inquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance they are hereby empowered and required, by Notice in Writing under the Hand of their Clerk, to order such Nuisance or Annoyance to be abated or removed within Fourteen Days next after such Notice given to the Person or Persons who ought to remove or abate the same, or for or on whose Behalf the same is carried on, or left at his, her, or their last or usual Place of Abode; and in case such Notice shall not be appealed against at the General or Quarter

Sessions of the Peace for the City and County of the same, or any Adjournment thereof, to be held next after the Expiration of Thirty Days after such Notice shall have been given as aforesaid, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unremoved after the Expiration of the said Notice.

Power to place Bars across Streets under Repair.

LXXXIV. And be it further enacted, That it shall be lawful for the said Commissioners under this Act, or any Person or Persons to be appointed by them in this Behalf, during such Time as any of the Streets, Squares, Places, Highways, Lanes, Roads, Paths, or other public Passages or Entries within the said City and County of the same shall be under Repair, or during the making or repairing of any Sewers or Drains therein, to cause such and so many Bars, Posts, or Rails and Chains, or other Obstruction or Obstructions, to be fixed, set up, and placed across or in any of the said Streets, Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages or Entries, to prevent the passing of Carriages, Horses, and Cattle whilst such Works and Repairs are in progress, as to the said Commissioners shall seem proper; and if any Person or Persons shall throw down, break, remove, damage, or injure any of the said Bars, Posts, Rails, or Chains, or other Obstructions, without the Authority or Consent of the said Commissioners, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Power to set up Posts for guarding Footways.

LXXXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and set up, in such Parts of the said Streets, Squares, Places, Highways, Lanes, Roads, Paths, and other public Passages and Entries as such Commissioners may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, and other Fence or Fences, either permanent or temporary, for the Purpose of preserving any of the Footways within the said City and County of the same clear from any Annoyance by Horses, Cows, Swine, or other Cattle, and for the Purpose of keeping off Carriages from any of the said Footways, for the Prevention of Accidents, and also to paint, repair, and replace any such Posts, Pillars, Stones, Rails, Bars, Chains, or other Fence or Fences from Time to Time whenever it shall be requisite so to do.

Notice to be given of Alterations in Buildings, &c. abutting on Streets.

LXXXVI. And be it further enacted, That when and as often as the Owner or Occupier of any Houses, Buildings, Walls, or Fences which are or shall hereafter be, abut upon, and front towards any of the Streets, Ways, Lanes, Roads, public Passages or Places within the said City and County of the same, shall be desirous to take down or remove, repair or alter the same or any of them, he or they shall and they are hereby required to give to the Surveyor or Surveyors for the Time being of the said Commissioners Three Days Notice in Writing (to be left at the Office or Dwelling House of such Surveyor) of such his, her, or their Intention to take down, alter, or repair the Front of any such Premises as aforesaid, in order that the said Surveyor may measure and mark out the Boundary and Extent of any such Street, Way, Lane, Road, public Passage or Place, so

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as to prevent the same being narrowed or encroached upon by any such intended Alterations or Improvements; and all and every such Owner or Owners, Occupier or Occupiers, who shall pull down, remove, alter, or repair any Houses, Buildings, Walls, or Fences situate as aforesaid, without giving such Notice as is herein-before directed, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence; and whenever it shall appear to the said Surveyor that any Encroachment has been made upon any Street, Lane, Way, public Passage or Place by any such Building as aforesaid, it shall and may be lawful for the said Surveyor to cause any such newly-erected Front Wall, Building, or Fence to be pulled down, removed, and set back (at the Costs and Charges of the Person or Persons making such Building as aforesaid) to the ancient and proper Boundary Line of the said Street, Way, Road, public Passage or Place, so as to protect the same from being narrowed or encroached upon.

Hoards and Scaffolds not to be erected without Licence.

LXXXVII. And be it further enacted, That no Person or Persons shall erect or place, set up or build, in any Street or public Place within the Limits of this Act, at any Time or Times hereafter, any Hoard or Scaffolding, or place or erect any Posts, Bars, Rails, Boards, or other Thing by way of Inclosure, for the Purpose of making Mortar, or of depositing or sifting or screening or slacking any Brick, Stone, Lime, Sand, or other Materials for building or repairing any House, Tenement, or Building, or for other Works, or for any other Purpose, without Leave or Licence first had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being of the said Commissioners, who is and are hereby required to grant the same forthwith, for the Purpose of making Mortar, and depositing or screening, sifting or slacking, any Brick, Stone, Lime, Sand, or other Materials for building or repairing any House or other Tenement or Erection, specifying therein the Length of Time for which the same when so erected and set up may be continued, and giving such other Directions respecting the same as he may think necessary, on being paid by every Person so applying for such Licence the Sum of Sixpence; and if any Person or Persons shall erect, place, set up, or build, or cause or permit to be erected, placed, set up, or built, any such Hoard, Scaffolding, or any Inclosure, Posts, Bars, or Rails, or any other Matter or Thing for the Purposes aforesaid, or for any other Purpose, without the Leave or Licence of such Surveyor, signed as aforesaid, so had and obtained, or shall erect, set up, or build the same, or cause or permit the same to be set up or erected, in any other Manner, or to be continued for any longer Time, than shall be allowed or expressed in such Licence, or in some Renewal thereof for a Time to be therein specified, (and for which Renewal no further Fee or Reward shall be demanded or taken,) then and in either of the said Cases such Person or Persons, or the Person or Persons by whom he or they shall or may be employed, shall forfeit and pay a Sum not exceeding Five Shillings for every Day that the same shall have been and shall be set up and continued; and also that it shall be lawful for the said Commissioners or for their said Surveyor for the Time being to cause the same to be pulled down and removed, and the same and all the Materials thereof and of every Part thereof to be kept

kept and detained until such Person or Persons shall pay to the said Surveyor, or to the Person or Persons in whose Custody the same shall be, all the Penalties incurred by such Person or Persons, together with the Charges of pulling down, removing, and keeping the same, to be ascertained and determined by the said Surveyor or Surveyors; and in case the same shall not be claimed, and the Penalties and Charges shall not be paid within the Space of Seven Days next after the pulling down and Removal thereof, then it shall be lawful for the said Commissioners or their Surveyor to order or cause the same to be appraised and sold, and the Money arising therefrom (after deducting all the said Charges) shall be paid to the Treasurer of the said Commissioners, or to such other Person or Persons as they shall in that Behalf direct.

Power to make Common Sewers.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to cause such and so many Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, of such Materials, Dimensions, and Forms as they may think sufficient and necessary, to be constructed and made in, along, or across any of the Streets, Squares, Places, Highways, Lanes, Roads, Paths, or other public Passages or Entries within the said City and County of the City of *Exeter*, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, Wells or Pumps, which now are or hereafter shall be within the same City and County, to be altered, enlarged, repaired, cleansed, or completed when and so often as the said Commissioners shall deem proper, and also for any of the said Purposes from Time to Time to cause to be dug, carted, and carried out of or brought into the said Streets, Squares, Places, Highways, Lanes, Roads, Paths, or other public Passages or Entries, or any of them, such Gravel, Stones, Bricks, and other Materials as they shall think necessary, and also to cause such and so many Gutters or Openings to be made therein for the carrying off and conveying the Filth, foul and other Waters, from the Houses built or to be built in or adjoining to such Streets, Squares, Places, Highways, Lanes, Roads, Paths, or other public Passages or Entries, into the said Sewers, Drains, and Vaults, as the said Commissioners shall think necessary and expedient for that Purpose; and in case it shall be found necessary for completing any of the aforesaid Sewers, Drains, Vaults, Culverts, and Watercourses, Wells or Pumps, to carry and continue the same into and through any inclosed Lands or Grounds lying within the said City and County of the same, it shall be lawful for the said Commissioners to carry and continue the same into and through the said Lands or Grounds accordingly, such Lands or Grounds respectively not being occupied as Courts, Yards, Gardens, or Orchards, or as Avenues or Approaches to any Dwelling House: Provided always, that if the Owner or Owners of any such Lands or Grounds into, through, or in which any such Sewer, Drain, Vault, Culvert, or Watercourse, Wells or Pumps, shall be made, carried, or continued by the said Commissioners as aforesaid, shall be injured or damnified thereby, and such Owner or Owners shall refuse to treat or cannot agree with such Commissioners as to the Recompence or

If Owners of Land through which Sewers are made be dissatisfied, they may apply to the Quarter Sessions.

Compensation to be paid for such Injury or Damage, then such Owner or Owners may apply to the next or second General Quarter Sessions of the Peace to be holden for the said City and County, or an Adjournment thereof; and the Justices of the Peace at such Sessions shall have Power to direct the Jury or Petty Jury which shall attend at such Sessions to inquire into and assess the Recompence Money which ought to be paid to such Owner or Owners for such Injury or Damage as aforesaid; and thereupon the Justices in such Session shall adjudge and order such Recompence so found and assessed by the Jury or Petty Jury to be paid to such Owner or Owners accordingly, and such Inquiry and Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award, order, and adjudge Costs to either Party as they shall think proper; and all Costs, Charges, and Expences in or about the making, enlarging, widening, raising, altering, removing, repairing, cleansing, or scouring such Sewers, Drains, Vaults, Culverts, and Watercourses, Wells or Pumps, shall be borne and defrayed out of the Monies to be raised by the Rates or Assessments to be made by virtue of this Act.

Occupiers of Houses to form Drains from House to Common Sewer.

LXXXIX. And be it further enacted, That the several and respective Occupier or Occupiers of the Houses and other Buildings situated in or near to the several Streets, Ways, or public Passages or Places in the said City and County of the City of *Exeter*, and every of them, is and are hereby required, at his, her, and their own Costs and Charges, within Ten Days next after their receiving Notice in Writing for that Purpose from the Clerk or other Officer or Officers of the said Commissioners, to cause to be forthwith made, turned, and constructed, under the Inspection and according to the Direction of the Surveyor to the said Commissioners, One or more underground Branch Drain or Drains from the Houses and other Buildings in his or their Occupation, and situate adjoining or near to any of the said Streets, Ways, or public Passages or Places of the said City and County, as shall be necessary and requisite to carry and convey the Soil, Drain, and Wash therefrom into the Common Sewer or Drain in any such adjoining Street; and in case the Occupier or Occupiers of any such House, Building, or Premises as aforesaid shall neglect or refuse to cause any such underground Drain or Drains to be made within the Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by any Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace of the said City and County of the same, shall and may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeiture are by this Act authorized to be recovered, and when so recovered the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or

Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Wash, Soil, or Nuisance so carried off by such Drain shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

Consent to be had for turning private Drains into Common Sewers.

XC. And be it further enacted, That it shall be lawful for the said Commissioners to authorize and empower any Persons whomsoever, at any Time or Times hereafter, at his or their own Expence, to turn or carry any new, private, or Branch Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made or which shall be made by virtue of this Act; but if any Person or Persons shall at any Time hereafter turn or carry any such new, private, or Branch Drain into any such Common Sewer, Drain, Vault, Culvert, or Watercourse, without the Licence and Consent of the said Commissioners first had and obtained, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Private Drains to be cleansed at the Charge of the Owners.

XCI. And be it further enacted, That all private Drains which now do or which by Permission of the said Commissioners hereafter shall issue into any of the public Sewers, Drains, or Vaults shall be made, repaired, or cleansed by or under the Inspection and Direction of the proper Officer or Officers of the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Lands or Tenements to which the said private Drains do or shall respectively belong, such Costs and Charges, if paid by the said Commissioners, to be recovered by them in like Manner as the Rates to be raised by virtue of this Act are directed to be recovered.

Names of Streets to be put up, and Houses to be numbered.

XCII. And be it further enacted, That the said Commissioners shall and may cause to be painted and engraved or otherwise described, and placed in a conspicuous Part of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Square, Place, Highway, Lane, Road, Path, Court, and other public Passage and Entry within the said City and County of the said City of *Exeter*, the Name by which such Street, Square, Place, Highway, Lane, Road, Path, Court, or other public Passage or Entry now is or shall be called or known, and also cause every House and Building in the said several Streets, Squares, Places, Highways, Lanes, Roads, Paths, Courts, and other public Passages and Entries to be marked and numbered with Figures either on the Door thereof or otherwise, and in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the said Commissioners for that Purpose first obtained, alter any such Name, Number, or Figures, or any Part thereof, or cause or procure the same to be so done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings.

XCIII. And

Numbers of Houses to be renewed by Occupiers.

XCIII. And be it further enacted, That when any such Number or Figures, painted or placed on any House or other Building within the said City and County of the same, or at the Door thereof, shall, by Accident, Decay, or otherwise, be defaced or rubbed out, the Occupier or Occupiers of such House or Building shall immediately cause the same Number or Figures to be painted or placed on such House or other Building or on the Door thereof; and in case of Neglect or Refusal to comply therewith every such Occupier shall forfeit and pay for every such Offence any Sum not exceeding Five Shillings.

Cellar Openings to be covered or secured by Rails.

XCIV. And be it further enacted, That the Owner or Occupier of every Building within the said City and County of the same City shall, at his or her own Expence, cause the Cellar Openings or Doors of the same which open in, upon, or towards any Street or Footway of any Street in the said City and County of the same to be well and sufficiently covered over, supported, and fastened down, or guarded by a good and sufficient Railing of such Materials and Dimensions, and in such Manner and Form, as the said Commissioners shall direct; and such Railing, and the Curb Stone, if any, belonging thereto, or to any such Door, shall from Time to Time be repaired or altered at the like Expence, in such Manner as the said Commissioners shall direct, under a Penalty of any Sum not exceeding Twenty Shillings for each Offence, Neglect, or Refusal.

Cellar-windows and Grates to be secured.

XCV. And be it further enacted, That if any Cellar-door, Trap-door, Hatchway, or Flap-window, leading into or giving Light or Air to or placed over any Cellar, Vault, or Office under Ground within the said City and County of the same, shall at any Time be left open in the Evening or in the Night, or shall not be effectually and substantially secured so as to prevent Accidents, or if any Grate or other Covering placed over any Opening in the Footpath, Flag-way, or Pavement, and used for putting Coals or other Articles into any Cellar or other Place under Ground, or for any other Purpose, shall at any Hour of the Day or Night be left open, or shall not be, together with the Curb Stone and Grating, if any, belonging to or connected with such Trap-door, Steps, Windows, Grates, or other Openings, well and effectually fastened down and secured, and kept in proper Repair, so as to prevent Accidents, then and in each and every of the said Cases the Occupier or Occupiers of such Cellar, Vault, Office, or other Place under Ground as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and in case the Occupier or Occupiers aforesaid shall not, after Twenty-four Hours Notice in Writing from the Surveyor of the said Commissioners, well and effectually secure, fasten down, and put in proper Repair, so as to prevent Accidents, such Cellar, Vault, Office, or other Place under Ground as aforesaid, then and in every such Case the said Occupier or Occupiers shall, in addition to the said Penalty of Twenty Shillings, forfeit and pay the Sum of Ten Shillings for each and every Day which such Cellar, Vault, Office, or other Place under Ground as aforesaid shall so remain open and insecure, or not in repair as aforesaid.

XCVI. And

Directions for the Removal of Annoyances and Encroachments.

XCVI. And be it further enacted, That the several and respective Occupiers of the Houses and other Buildings situate in the several Streets within the said City and County of the City of *Exeter*, and every of them, are and is hereby authorized and required, at their own respective Costs and Charges, within Seven Days next after their respectively receiving Notice in Writing from the Clerk or other Officer or Officers of the said Commissioners, to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Showboards, Butchers Hooks, Spouts, Water Pipes, and other Projections which now are or hereafter shall be in anywise affixed or set up against or in front of their respective Houses or other Buildings, and which, in the Judgment of the said Commissioners, shall be considered public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying and endangering the public Passage along any of the Streets within the said City and County of the City aforesaid, to be taken down, removed, and carried away, or otherwise altered; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Stall, Block, Bulk, Showboard, Butcher's Hook, Spout, Water Pipe, or other Projection which shall be so considered an Annoyance as aforesaid to be taken down, removed, and carried away, or otherwise altered, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by any Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace of the said City and County of the same City of *Exeter*, shall and may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when so recovered the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, or Annoyance so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

For Removal of existing Projections of Buildings.

XCVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all and every or any of the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Areas, Cellar-holes, Cellar-windows, Cellar-doors, and Hatchways, and all Cranes and Windlasses, and the Arms thereof, for raising or lowering any Articles, Matters, or Things which shall be fixed on or against any Building or Buildings higher than the Wall or Walls of the Ground Floor or Floors thereof, and all other Obstructions and Projections whatsoever, not herein-before particularly specified,

which at the Time of the passing of this Act are already erected, affixed, or set up or laid down against or in front of any Houses or other Buildings whatsoever in any of the Streets within the said City and County of the said City of *Exeter*, and which in the Judgment of such Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into, under, or over the same, or encroaching upon or otherwise annoying or endangering the public Passage along any of the same Streets, to be taken down, filled up, removed, and carried away, or otherwise altered, by any Person or Persons acting under the Authority of the said Commissioners, in such Manner as shall be thought most proper and expedient by such Commissioners, they the said Commissioners nevertheless first causing Seven Days Notice in Writing under the Hands or Hand of their Clerk or other Officer or Officers to be given to the respective Owners or Occupiers of such Houses or other Buildings of their Intention to take down, fill up, remove, or alter such Obstructions, Projections, or Annoyances respectively, and causing as little Damage to be done in the effecting of every such Removal or Alteration as aforesaid as the Nature of the Case will allow, and also defraying the whole Costs and Charges of executing the same.

For Removal of future Projections.

XCVIII. And be it further enacted, That the several Occupiers of the Houses and other Buildings situate in the several Streets within the said City and County of the said City of *Exeter*, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the Clerk or any other Officer or Officers of the said Commissioners under this Act, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Cellar-windows, Cellar-doors, Hatchways, and Areas, and all Cranes and Windlasses, and the Arms thereof, for raising or lowering any Articles, Matters, or Things, which shall hereafter be fixed on or against any Building or Buildings higher than the Wall or Walls of the Ground Floor or Floors thereof, and all other Obstructions and Projections whatsoever which shall in future be erected, set up, affixed, or laid down against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into or encroaching upon or over or otherwise annoying or endangering the public Passage along any of the Streets within the said City and County of the said City of *Exeter*, to be taken down, filled up, removed, and carried away, or otherwise altered, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Step, Cellar-window, Cellar-door, Hatchway, Area, Crane, Windlass, or the Arm thereof, or any other Obstruction or Projection whatsoever not herein-before particularly specified which shall in future be so erected, set up, or affixed or laid down against or in the Front of his or her House or other Building, and which shall be so considered an Annoyance or Nuisance as aforesaid, to be taken down, filled up, removed, and carried away, or otherwise altered,

altered, within such Time and in such Manner as in such Notice shall be directed; then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by any Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when so recovered the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupiers of any such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the Proprietor or Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he, she, or they shall bear the Expence of altering or removing the same.

Commissioners may prune Trees near the Roads.

XCIX. And be it further enacted, That the Owners or Occupiers of the Lands next adjoining to any of the Highways within the said City and County shall cut, prune, and trim their Hedges, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House,) at proper Seasons of the Year, in such Manner that the said Highways shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded therefrom; and if such Owner or Occupier shall not, within Five Days after Notice given by any Five of the Commissioners or their Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in manner aforesaid, it shall be lawful for any Five of the said Commissioners or their Surveyor to make Complaint thereof to some Justice of the Peace, who shall summon the Occupier of such Lands before him to answer the said Complaint; and if it shall appear to such Justice that such Occupier has not complied with the Provisions of this Act for cutting, lopping, pruning, and trimming such Trees, Bushes, and Hedges as aforesaid, it shall and may be lawful for such Justice, upon hearing the Commissioners or their Surveyor, and the Occupier of such Land or his Agent, (or in default of his or her Appearance, upon having due Proof of the Service of such Summons,) and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down or pruned or trimmed, in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Land shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit

forfeit for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned the Sum of Five Shillings, and the Sum of Five Shillings for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the said Commissioners or their Surveyor, in case of such Default made by the Occupier, shall and may cut, prune, and trim such Hedges, and cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order; and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same, or in default thereof such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels, by Warrant from a Justice of the Peace, in such Manner as is herein-after directed or authorized for the levying and recovering of Forfeitures or Penalties for Offences against this Act.

Doors and Gates not to open outwards.

C. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said City and County of the City of *Exeter*, and every of them, are hereby respectively authorized and required, at their own Costs and Charges, from Time to Time within Seven Days next after their respectively receiving Notice in Writing from the Clerk or other Officer or Officers of the said Commissioners, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations (and not being Cellar-doors or Trap-doors), and which now do or shall hereafter open outwards, and when open shall project into or over any of the Streets within the same City and County, to be altered so as that the same Doors or Gates shall not thenceforth open outwards into any of the said Streets; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by such Notice in any such Door or Gate within the Period specified by such Notice, such Occupier making default therein shall forfeit and pay the Sum of Five Shillings a Day for every Day during which any such Gate or Door shall be suffered to remain opening outwards after the Expiration of the Time specified in such Notice: Provided nevertheless, that where the Occupier of any such House, Building, Yard, Garden, or Land shall cause any such Door or Gate to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him or her, if a Tenant at Rack Rent, to deduct and retain out of his or her Rent the reasonable Charges of altering the same, and the Proprietor or Landlord of such House, Building, Yard, Garden, or Land is in every such Case hereby required to allow the same accordingly: Provided also, that it shall be lawful for the said Commissioners to allow to such Occupier or such Proprietor all or any Part of the Expence of making any such Alteration if such Commissioners shall consider it reasonable to do so.

For punishing Misbehaviour in Drivers of Carriages.

CI. And be it further enacted, That if any Driver of any Waggon, Cart, Dray, Sledge, or other Carriage of the like Description, (except Carriages on Springs, and driven by some Person holding the Reins thereof,) shall ride upon the Shafts or upon any other Part of such Carriage, or any of the Horses, Asses, Mules, or Cattle drawing

drawing the same, or shall drive the same faster than a Walk, in any of the said Streets within the said City and County of the same; or if the Driver of any Carriage whatsoever shall be at such a Distance from the same during its Passage through any Part of the same City and County as not to possess the complete Direction over the Horses or Beasts drawing the same; or if the Driver of any Carriage whatsoever, or if any Person riding or driving any Horse or Horses, shall drive or ride the same furiously in any such Street, or shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage passing or being upon or in any such Street, or hinder or interrupt the free Passage of any Carriage or any Passenger along the same; or if any Person shall place any Cart or other Carriage athwart or across any such Street; or if the Driver of any empty or unloaded Waggon, Cart, or other such Carriage shall refuse or neglect to turn aside and make Way for any Coach, Chaise, or loaded Carriage of any such or other Description, or when driving any Waggon, Cart, Sledge, or other Carriage shall not readily and promptly turn the same out of the Road on meeting any Horse or Horses, Carriage or Carriages, so as to leave proper and sufficient Quarter for such Horse or Horses, Carriage or Carriages; or if any Person when driving any Sort of Carriage whatsoever, and meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Street, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, within any such Street, or by Negligence or Misbehaviour prevent or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, within any such Street, or when riding any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, so as to endanger the Life or Limb of any Person, or drive the same against and injure or damage any Curbstone or Foot Pavement or Causeway, or any Post placed up to protect the same; or if any Person acting as the Driver of Two Carts or other Carriages shall drive the same, when under the Care and Superintendence of One single Person, in any of the said Streets, with more than One Horse each; or if any Person or Persons shall drive more than Two Carts or Carriages attached together in any of the same Streets; or if any Person or Persons shall drive any Two Carts or Carriages attached together in any of the same Streets, without having the Horse of the hinder Cart attached by a Rein or Reins to the Back of the Cart which shall be foremost, or without having the hinder Cart attached to the Cart which shall be foremost by Chains extending directly from each Side of the foremost Cart to the Shafts of the hindmost Cart, and of such Length only as to leave a Space of not more than Six Feet between the Back of the foremost Cart and the Shafts of the hindmost Cart; or if any Person shall haul or draw or cause to be hauled or drawn, upon any Part of the said Streets, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or other Piece of Timber to drag upon any Part of the said Streets; or if any Person shall carry or convey any Timber of Thirty Feet long or upwards upon any Waggon, Cart, or other Carriage through any of the said Streets, without having or being attended by One Person besides the Driver, for the Purpose of guiding and who shall guide such Timber, and

shall prevent the same from striking against any Person, or against any House, Shop, Wall, or other Building, while the same is so conveyed through any of the said Streets; then and in every such Case every such Driver, Rider, or other Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Shillings; and every such Driver, Rider, or other Person offending in any of the said Cases shall and may, by the Authority of this Act, with or without Warrant, be apprehended by any Commissioner under this Act, or any Officer or Officers, or other Person or Persons appointed by the said Commissioners, who shall see the Offence committed; and it shall be lawful for the Persons so apprehending such Driver, Rider, or other Person or Persons to cause him or her to be conveyed or delivered to a Peace Officer, in order to be brought before some Justice of the Peace for the said City and County, to be dealt with according to Law; and if any such Driver or Rider, or other Person, in any of the Cases aforesaid, shall refuse to disclose his or her Name, the necessary Proceedings may be had against him or her before such Justice for the said Penalty by a Description of his or her Person and the Offence committed, without there being any Necessity for stating his or her Name.

For preventing Obstructions in the Streets.

CII. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage of the like Description shall be left or suffered to stand or continue in any Street within the said City and County of *Exeter*, either in the Night or in the Daytime, either loaded or unloaded, or with or without Horses, for any longer Time than is necessary for loading or unloading thereof, or in case the same shall not during such Time be placed so as to interrupt the public Passage as little as possible; or if any Stage Coach, Diligence, Post Chaise, or other Carriage of the like Description shall be left or suffered to stand or continue in any of the said Streets longer than necessary for the taking up or setting down any Passenger or Passengers, or for loading or unloading of his, her, or their Luggage; or if any Timber, Iron, Bricks, Stones, Slates, Tiles, Sand, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandize, Materials, Articles, Matters, or Things whatsoever shall be laid, placed, or suffered to remain in any such Street longer than shall be necessary for removing and housing the same; then and in every such Case the Owner or Owners of every such Waggon, Cart, Dray, Coach, Chaise, or other Carriage, or of any such Timber, Iron, Bricks, Stones, Slates, Tiles, Sand, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandize, Materials, Articles, Matters, or Things which shall be so left or suffered to remain in any of the said Streets as aforesaid, as well for himself, herself, or themselves, or his, her, or their Servants or Workmen, shall for every Offence in any of the aforesaid Particulars forfeit and pay any Sum not exceeding Twenty Shillings; and it shall be lawful for any Commissioner under this Act, or for any Officer of the said Commissioners, or for any other Person or Persons acting under their Authority, without the Presence of any Peace Officer or other Warrant, to seize or cause to be seized any such Waggon, Cart, Dray, Coach, Chaise, or other Carriage so placed or suffered to stand or continue, contrary to the Intent of this Act, together with any Horse or Horses which may be thereunto affixed, or the Harness, Furniture, or Loading thereof, or the Timber, Iron, Bricks,

Bricks, Stones, Slates, Tiles, Sand, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandize, Materials, or other Articles, Matters, or Things, so left or suffered to remain as aforesaid, and to remove the same or cause the same to be removed to any Place within the said City and County which shall be appointed for that Purpose by the said Commissioners, there to be kept and detained until the said Penalty shall be paid; and in case such Penalty and Charges shall not be paid within the Space of Seven Days next after such Seizure it shall be lawful for the said Commissioners to cause the same Articles to be sold for defraying the Penalty and Charges; and the Overplus, if any, of the Money arising from such Sale, after deducting the said Penalty and Charges, shall be returned, on Demand, to the Owner or Owners of the aforesaid Articles.

For Protection of Foot and Carriage Ways.

CIII. And be it further enacted, That if any Person or Persons shall run, draw, or drive or carry any Truck, Wheel Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or any Milk Can or Milk Cans, Butchers or Bakers Trays or Baskets, on any of the Foot Pavements or other Footways in any of the Streets or Places within the said City and County of *Exeter*, except only for the Purpose of crossing the same; or shall roll any Cask or Tub thereon, except for the Purpose of crossing the same as aforesaid; or shall drag or carry any Timber or Log of Wood, or any Ladder or Ladders, or any Stone or Metal, or any other bulky Article, over, along, or upon the same; or shall set or place any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Barrel, Box, Pail, Bucket, Stool, Bench, Stall, Showboard, Casket, or Goods of any Kind, or erect, set up, or place any Blind, Shade, Covering, or Awning, except such Blind, Shade, Covering, or Awning shall be Seven Feet at least in Height in every Part thereof from the Surface of the Ground, and shall extend over the whole of such Footway or Causeway, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause any Obstruction or Impediment on any such Footway or Causeway; or if any Person or Persons shall slide upon any such Footway or Causeway; or if any Person or Persons shall insult, jostle, or annoy any Person or Persons travelling, passing, or going or being on or along any such Footway or Causeway; or shall wilfully ride, lead, or drive on any such Footway or Causeway any Horse, Mule, Ass, Swine, Sheep, or other Beast or Cattle of any Kind whatsoever, or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading to go thereon, or tie or fasten any Horse or other Beast or Cattle to any Door, Wall, Post, Tree, or other Thing whatsoever, so that such Horse, Beast, or Cattle can go or stand across or upon any such Footway or Causeway; or shall set, place, hang up, or otherwise expose to Sale the Carcase of any Calf, Sheep, Lamb, Swine, Cattle, or Beast, or any Part or Parts thereof, or any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, or any other Matter or Thing, in or upon or so as to project over or upon any Footway or Carriage Road, or beyond the Line of or on the Outside of the Window or Windows of the House or Shop at which the same shall be so hung up or placed or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage on any of the said Footways, Causeways,

Causeways, or Carriage Roads; or shall in any other Manner obstruct or incommode, hinder or prevent, the free Passage of any such Footway, Causeway, or Carriageway; then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Commissioner, or for any Officer or Officers, or other Person or Persons appointed by the said Commissioners, without the Presence of any Peace Officer or other Warrant, to seize or cause to be seized any such Wheel Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage, or Milk Can or Milk Cans, Butchers or Bakers Trays or Baskets, Timber or Log of Wood, Ladder or Ladders, Stone, Metal, or other bulky Article, Furniture, Goods, Wares, or Merchandize, Cask, Tub, Barrel, Box, Pail, Bucket, Stool, Bench, Stall, Showboard, Basket, or Goods, so run, drawn, driven, or carried, rolled, dragged, set, hung, or placed, or any such Horse, Mule, Ass, Swine, Sheep, Lamb, or other Beast or Cattle so rode, led, or driven to any Common Pound used by the Inhabitants of the said City and County, or to any other Place or Places within the same City and County which shall be appointed for that Purpose by the said Commissioners, there to be kept and detained until the said Penalty shall be paid; and in case such Penalty, and the reasonable Charges of such Seizure, shall not be paid within the Space of Three Days next after such Seizure, it shall be lawful for the said Commissioners to cause the same Articles, Matters, and Things to be sold for defraying the Penalty and Charges; and the Overplus, if any, of the Monies arising from such Sale, after deducting the Penalty and Charges, shall be paid, on Demand, to the Owner or Owners of the aforesaid Articles.

For preventing Nuisances.

CIV. And be it further enacted, That if any Person or Persons shall, in any of the Streets, Ways, public Passages or Places in the said City and County of *Exeter*, expose for Sale or sell or fodder any Horse, Ass, Pig, Sheep, Lamb, Bull, Cow, or other Beast or Cattle, except in such Place or Places or in such Manner as are or shall be appointed for that Purpose; or exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or Animals, or other public Show, or in any other Manner exhibit or cause to be exhibited any public Show, except in such Place or Places as shall be appointed for that Purpose; or expose or show any Stallion, except in such Place or Places as shall be appointed for that Purpose; or shoe, bleed, or farry any Horse or Beast (except in Cases of Accident;) or clean or dress any Horse or other Beast, or exercise any Horse or other Beast; or turn loose or suffer to be at large any Horse, Ass, Sheep, Bull, Cow, Swine, Goat, or other Beast, or any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being muzzled, or permit or suffer any Dog whatsoever to go at large, after any public Notice given by the said Commissioners under this Act, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness (and which said Dogs so at large the said Commissioners are hereby authorized to destroy and direct and cause to be destroyed); or wash or clean, or make or repair, any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage (except such Carriage

riages as may want immediate repairing from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose); or if any Person shall mischievously or wantonly let off or fire any Musket, Gun, or Pistol, or other Fire Arms, except in case of Self-defence; or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Firework or Fireworks; or play at Football, or throw any Snowball or Stone or other Missile, or trundle or turn any Hoop or Hoops, or fly any Kite or Kites, or run any Race or Races, or play at Pitch and Toss, or any other Game or Games, in the said Streets, Ways, public Passages or Places; or burn, dress, or cleanse any Cask or Wheel, or hoop, or fire, cleanse, wash, or scald, any Cask or Tub; or burn, dress, sweep, or cleanse any Piece or Pieces of Cork; or beat, dust, or shake any Carpet or Foot Bear or Soot Bag; or hang out or cause to be hung out any Linen or Clothes, in any of the said Streets, Ways, public Passages or Places; or, being a Blacksmith, Whitesmith, or Nailmaker, or other Person occupying any Blacksmith's, Whitesmith's, or Nailmaker's Shop, situate in or near any of the said Streets, Ways, public Passages or Places within the said City and County of *Exeter*, and having a Door or Doors or Window or Windows, or other Opening or Openings, fronting or opening into or towards the same, shall not, by good and close Doors and Shutters, as the Case may require, every Evening not later than Half an Hour after Sunset, bar and prevent the Light from such Shop shining into or upon any of the said Streets, Ways, public Passages or Places; or if any Person or Persons shall hew, saw, bore, or cut any Timber or Stone; or throw, cast, lay, or place any Hay, Straw, Coals, Stones, Slates, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for building, or Dirt or Rubbish thereby occasioned, which shall be placed or inclosed in manner mentioned in this Act so as to prevent any Mischief happening to Passengers); or if any Dust, Dirt, Dung, Soil, Filth, Carrion, Blood, Offal, Refuse of Garden Stuff, or any Sort of Rubbish, or any other Nuisance or Annoyance whatsoever, shall be wilfully thrown, cast, or laid in the said Streets, Ways, public Passages or Places, or any of them; or if any Person or Persons shall sell or assist in selling by Auction or public Sale any Goods, Wares, or Merchandize, or other Property or Effects whatsoever, in any of the said Streets, Ways, public Passages or Places within the said City and County of *Exeter*, without the Leave of the said Commissioners for that Purpose first obtained; or if any Person shall permit any Coal or Fuel intended to be used in any House or Building to remain in any Street, Ways, public Passages or Places any longer Time than shall be necessary for housing the same; or shall kill or slaughter, or singe, scald, or dress, or shall cause or procure to be killed or slaughtered, or singed, scalded, or dressed, any Beast, Swine, Ox, Cow, Calf, Sheep, Lamb, or other Cattle, either wholly or in part, in any Street, Ways, public Passages or Places within the said City and County of *Exeter*, or in any Shop or other Place adjoining, and exposed to any such Street, or cause or permit any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter-house, Shambles, Butcher's Shop, Swinestye, or Dunghill, into any of the said Streets, Ways, public Passages or Places within the said City and County; or if any Person, being a

Licensed Publican or Victualler within the said City and County, shall not erect or construct, with Flags or other proper Materials, in some convenient and proper Situation other than to the Front of any public Street, Way, public Passage or Place, and as little exposed as possible, about such Public House or Victualling House, a Recess or Convenience, with proper Drains from the same, for making Water against, so as effectually to prevent noisome Smell, as also any unnecessary and indecent Exposure of the Person; or if any Person or Persons shall, in any of the said Streets, Ways, public Passages or Places within the said City and County of *Exeter*, sift, screen, wet, slack, or mix any Lime; or fix up any Flower Pot or Bow Pot or Pots at any Window or Windows, without sufficiently guarding the same, so as to prevent their being blown or thrown down; or if any Person or Persons shall cause or instigate any Dog or Dogs to fight, or aid in or abet any such Dog Fight; or shall fight any pitched or other Battle or Prize Fight, or aid in or abet any such pitched Battle or Prize Fight; or bait or cause to be baited any Bull, Bear, Badger, or other Animal, or aid or abet the same, in any Part of the said County and City; or wilfully, wantonly, mischievously, or maliciously break or abet or assist in breaking any Glass or Window Pane or Window therein; or shall bathe in any open or exposed Situation in the said County and City; or shall write or describe any obscene or indecent Language or Figure on any Wall, Door Post, or public Place within the said City and County, or post or distribute any indecent or obscene Handbill, Notice, or Placard, or expose to Sale or distribute any indecent or obscene Print, Ballad, or Pamphlet within the same City and County; or affix any Posting Bill or other Paper to or against any Dwelling House, Wall, or Building, without the Consent of the Owner or Occupier thereof, or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material whatsoever; or if any Person shall use any obscene, abusive, or indecent Language to or to the Annoyance of any Person going or passing along any of the said Streets, Ways, public Passages or Places; or if any Person or Persons shall, within the said County and City, burn any Rags or Bones, or other offensive Substance, for making Manure, Ivory or other Black, or Ammoniac, or for any other Purpose of Trade, Manufacture, or Commerce, to the Annoyance of any Inhabitant of the said County and City, or whereby any such Inhabitant shall be annoyed; or place, deposit, or keep any Night Soil, or the Emptyings, Cleansings, or Filth taken from any Privy, Drain, or Cesspool, or the Refuse, Offal, Garbage, Filth, or Sweepings of any Slaughter-house, or any Soap Lees, Ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground within the Distance of Ten Land Yards from any Dwelling House, to the Annoyance of any Inhabitant of the said County and City; or if any Person or Persons shall place or keep any Pigstye, Swinestye, or Hogstye to the Front of any of the said Streets, Ways, public Passages or Places; or if any Person shall hang out or cause to be hung out any dyed or other Cloth or Linen, for the Purpose of airing or drying the same, upon or from any Window within any such Street, Lane, public Passage or Place, or shall commit any other kind of Obstruction or Annoyance in any such Street, Lane, public Passage or Place within the said City and County of the same; each and every Person so offending

offending in any of such Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing aforesaid, as the Case may be (in any of such Cases where the Person actually offending cannot be found or discovered), or the Person causing any of such Offences, Matters, or Things to be committed or done, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided nevertheless, that nothing herein contained shall extend or be construed to extend so as to prevent or hinder any Person or Persons from placing any Stall, Booth, Stool, Bench, or Form for the Sale of Goods or Wares, or for exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any Matter or Thing in any Market Place within the City and County of the same, or in the usual Place of holding any Fair or Market on the usual Day or Days.

Regulation as to Night Soil, &c.

CV. And be it further enacted, That if any Person or Persons shall empty or begin or continue to empty, or assist in emptying, any Slaughter-house, Swinestye, Pigstye, or Privy, or Dung in a putrid or noisome State, in the said City and County of the same, or remove or carry, or cause to be removed or carried, any Night Soil, Carrion, Offal, Blood, Filth, or other offensive Matter therein, within the same City and County, except between the Hours of Eleven of the Clock in the Night and Six of the Clock in the Morning from *Lady Day* to *Michaelmas Day* in every Year, or except between the Hours of Ten of the Clock in the Night and Seven of the Clock in the Morning from *Michaelmas Day* to *Lady Day* in every Year; or shall leave or suffer any Night Soil, Carrion, Offal, Blood, Filth, or other offensive Matter to remain, either in any Cart or other such Carriage, or otherwise, in any Street or public Place in the said City and County of the City of *Exeter*, after the Hour of Six of the Clock in the Morning on any Day from *Lady Day* to *Michaelmas Day* in every Year, or after the Hour of Seven of the Clock in the Morning on any Day from *Michaelmas Day* to *Lady Day* in every Year; or shall at any Time use any Cart or Carriage without having a proper Covering or Boards called Flash Boards for the Removal of such Night Soil, Carrion, Offal, Blood, Filth, or Dung in a putrid State or Condition, or other offensive Matter, in order to prevent the same from slopping or spilling, or shall at any Time negligently slop or spill, or shall put or cause to be put or cast any Night Soil, Carrion, Offal, Blood, Filth, or Dung in such State as aforesaid, or other offensive Matter, out of any Cart, Tub, or otherwise, in or over any Street in the said City and County of the City of *Exeter*, or into any Drain or Drains, Sough or Soughs, in the same City and County, or in any other respect improperly, carelessly, or negligently remove the same; or if any Person or Persons, having been employed in emptying or removing such Night Soil, Carrion, Offal, Blood, Filth, or Dung, or other offensive Matter, shall not well and carefully sweep and cleanse the Place or Places in or upon which such Night Soil, Carrion, Offal, Blood, Filth, or Dung, or other offensive Matter, shall have been placed, or over which the same shall have been carried, in any of the said Streets, or in any other Situation, public or private, in the same City and County, and remove such Sweepings therefrom before the said Hour of Six of the Clock in the Morning in any Day from *Lady Day* to *Michaelmas Day* in every Year, and before the Hour of

of Seven of the Clock in the Morning on any Day from *Michaelmas Day* to *Lady Day* in every Year; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful in any of the Cases aforesaid for any Officer or Officers or other Person or Persons employed by the said Commissioners (and he and they is and are hereby required), without any Warrant or other Authority than this Act, to seize, take, and carry away, or cause to be seized, taken, and carried away, all such Night Soil, Carrion, Offal, Blood, Filth, or Dung, or other offensive Matter, which shall be so left in any of the said Streets after such Hours in the Morning as aforesaid, and to apprehend and carry any and every such Offender to any Lock-up-house or other Place of Confinement, and thence convey such Offender as soon as conveniently may be before some Justice of the Peace for the said City and County, who, upon Oath or Affirmation made of any such Offence as aforesaid, may convict any such Offender in any Sum not exceeding Five Pounds, and in case of Nonpayment of such Sum shall commit every such Offender to the Common Gaol or the House of Correction for the said City and County for any Time not exceeding Three Calendar Months; and the Owner or Owners of every Cart, Carriage, Horse, or Beast employed in and about emptying or removing such Night Soil, Carrion, Offal, Blood, Filth, or Dung, or other offensive Matter, (except within the Hours and with the covered Carts or Carriages above allowed,) or the Employer or Employers of any Person or Persons who shall offend in any of the Cases aforesaid, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds for every such Offence; and it shall be lawful for any Officer or Officers or other Person or Persons employed by the said Commissioners, without Warrant or any other Authority than this Act, to seize such Carts or Carriages, or the Horses or Beasts drawing the same, with the Gears, Harness, and Accoutrements, and the Loading thereof, and remove and take such Carts, Carriages, Horses, or Beasts, Gears, Harness, and Accoutrements, and the Loading thereof, to such Place or Places within the said City and County as may be by the said Commissioners for such Purposes appointed, or to any other convenient Place or Places in the same City and County, there to be detained until the Owner or Owners, Employer or Employers thereof, shall pay the said Penalty, together with any Costs, Charges, and Expences incurred in and about the Seizure, removing, and keeping of such Carts, Carriages, Horses, Beasts, Gears, Harness, and Accoutrements; and in case such Carts, Carriages, Horses, Beasts, Gears, Harness, and Accoutrements shall not be demanded, and the said Penalty, and all such Costs, Charges, and Expences, shall not be paid, within Seven Days next after such Seizure, then it shall be lawful for the said Commissioners to order the same to be appraised and sold, and the Money arising therefrom shall be applied in Payment of such Penalty, Costs, Charges, and Expences, and the Overplus (if any) shall be paid to the Owner or Owners, when he, she, or they shall apply for the same; such Penalty to be paid to the Treasurer for the Time being of the said Commissioners, to be applied for the Purposes hereof; and all such Night Soil, Carrion, Offal, Blood, Filth, or Dung, or other offensive Matter, and the Matters and Things wherewith the same shall be mixed, so seized as aforesaid, shall belong to and become the Property of the said Commissioners.

CVI. And

Canals, Railways, &c. to be fenced.

CVI. And be it further enacted, That the Proprietors of Canals, Mill Leats, and Railways within the said City and County of the City of *Exeter* shall, when thereunto required by Notice from the said Commissioners, well and sufficiently rail and fence off the same to the Height of Four Feet on each Side thereof, except at such Places as shall be used as Wharfs and Landing Places, and in such Manner as the same Commissioners shall appoint, and the Owners or Proprietors of all Lands on the Side of every Street, which Land shall be on a lower Level, or have any Hole or Opening therein below the Level of such adjoining Street, shall also well and sufficiently rail and fence off the same, to the Height of Four Feet on the Side thereof, in such Manner as the same Commissioners shall appoint; and in case such Proprietors or such Owners respectively shall not upon such Notice fence off such Canals, Mill Leats, Railways, or Lands, or shall neglect to keep the Fence or Fences or Bank or Banks of the same in good and sufficient Repair and Condition, upon Notice for that Purpose from the said Commissioners, then and in every such Case it shall be lawful for the same Commissioners to cause all such Canals, Railways, Mill Leats, Banks, and Lands to be fenced in manner aforesaid, or such Fence or Fences, Bank or Banks, to be well and sufficiently repaired, and put into good and sufficient Repair and Condition, by any Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace of the said City and County of *Exeter*, shall and may be recoverable from such Proprietors or Owners respectively in like Manner as any Penalties, Forfeitures, Rates, or Assessments are by this Act authorized to be recovered, and when so recovered the same shall be paid to the Treasurer or Treasurers for the Time being of the said Commissioners.

Commissioners may fence ruinous Houses, and cause Owners to take down and repair the same.

CVII. And be it further enacted, That in case any House or Building within the said City and County shall, upon the View of any Justice or Justices of the Peace for the said City and County of *Exeter*, be pronounced to be in a ruinous or dangerous State, then and in every such Case it shall and may be lawful for the said Commissioners to cause the same to be properly fenced and guarded, and to give Notice in Writing to the Owner or Owners of or other Person or Persons interested in the Premises, if he, she, or they can be found in the said City and County, and if not, then to cause Notice in Writing to be fixed upon the Premises, requiring him, her, or them to take down or repair such Premises, as the Case may require, within the Space of Fourteen Days next ensuing the giving or fixing such Notice as aforesaid; and if the Owner or Owners, or other Person or Persons interested as aforesaid, shall not take down and repair the same within the said Space of Fourteen Days after such Notice as aforesaid, then and in every such Case the said Commissioners are hereby authorized and required to take down or repair the Premises, or cause the same to be done, and the old Materials thereof or of any Part thereof to be sold; and the Costs and Charges of the said Fence, and of taking down and repairing as aforesaid, after deducting the Money to arise from the Sale of such old Materials, shall from Time to Time be paid by the said Owner or Owners, if he, she, or they can be met with in the said City and County, to be recovered from

from him, her, or them, in case of Refusal to pay the same on Demand, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant of any Justice of the Peace of the said County (which Warrant such Justice is hereby empowered and required to grant); and if such Owner cannot be met with in the said City and County, or sufficient Distress of his or her Goods and Chattels cannot be had, then and in such Case the Person or Persons who shall at any Time thereafter occupy such House or Building, or the Ground whereon the same stood, shall pay the same; and he, she, and they is and are hereby authorized to deduct the Amount so paid out of his, her, or their Rent, the same to be recoverable from such Occupier or Occupiers by the like Means as are herein directed for the Recovery thereof from the said Owner or Owners; and such Owner and Owners is and are hereby required to allow every such Occupier and Occupiers all such Costs as he, she, or they may pay or sustain as aforesaid; but in Cases where any such Houses, Buildings, or Grounds are held upon Leases for Lives perpetually renewable, or for the Term of Forty Years, or any longer Term, whereof Twenty Years shall be unexpired, the Party or Parties so holding shall be deemed and taken to be the Owner or Owners, and not the Party or Parties entitled in Reversion.

Proprietors of Houses to provide Necessary Houses for Occupiers thereof.

CVIII. And be it further enacted, That the several Proprietors or Owners of Cottages and other small Tenements or Houses occupied by several distinct Tenants, and Houses and Tenements rated by virtue of this Act at a less Amount than Ten Pounds, in the said City or County, shall and they are hereby required, where no sufficient Privies are attached, to provide and keep in good Repair such and so many Necessary Houses or Privies, with such proper Doors and Coverings to the same, as the said Commissioners shall consider requisite for the Use of the Tenants or Occupiers thereof; and if such several Proprietors or Owners shall not provide and keep in repair such Necessary Houses or Privies, with such Doors and Coverings to the same, within Fourteen Days next after Notice in Writing for that Purpose from the Clerk of the same Commissioners, then and in every such Case every such Proprietor or Owner making default shall forfeit and pay any Sum not exceeding Five Pounds for each such Necessary House or Privy, and Door or Covering to the same, which shall not be so provided and kept in repair, and any further Sum, not exceeding Ten Shillings, for every Week during which such Necessary House or Privy, or such Door or Covering to the same, shall not be provided after the Expiration of such Notice.

Commissioners may order Prosecutions for public Nuisances, &c., and pay the Expences out of the Rates.

CIX. And be it further enacted, That it shall be lawful for the said Commissioners under this Act to order and direct any Prosecution against any Person or Persons, Bodies Politic or Corporate, for any public Nuisance whatsoever which shall be committed or suffered within the said City and County of the said City, or for any Resistance or for the aiding or inciting any Resistance to the Execution of this Act, or to any Person acting in the Execution or under the Authority thereof, or for any Offence committed against this Act, or for any Encroachment or Obstruction laid, placed,

erected, or made in or upon the said Streets, or upon the Footpaths within the said City and County of the same, or any Part thereof; and the Costs and Charges of and attending all such Prosecutions shall be paid out of the Monies to be raised and received under and by virtue of this Act.

Penalties to extend to all Streets, &c. though not Highways.

CX. And be it further enacted, That wherever by this Act any Penalty or Fine is imposed or authorized to be imposed for or in respect of any Act, Matter, or Thing done, omitted, or neglected or suffered to be done by any Person or Persons in any Street or Streets in the said City and County of *Exeter*, and the Word "Street" or the Word "Streets" is there used, the like Penalty or Fine, or Liability thereto, shall extend to every such Act, Matter, or Thing done, omitted, neglected, or suffered to be done in any present or future Streets, Squares, Places, Highways, Lanes, Roads, Courts, Alleys, Passages, or Entries, where the same shall be used in common by a Number of Persons, within the said City and County of the same, although the same shall not be a public Highway, or repaired or liable to be repaired at the Expence of the Inhabitants of the said City.

Burial Grounds may be provided by Commissioners.

CXI. And whereas it is expedient to authorize the said Commissioners to provide public Burial Grounds in the Neighbourhood of the said City; be it therefore enacted, That the said Commissioners shall and they are hereby authorized and empowered, out of the Monies to be applied for the Purposes of this Act, to purchase or otherwise provide any Number of fit and convenient Pieces or Parcels of Ground, not exceeding Ten Acres in the whole, to be appropriated and used as and for public Burial Grounds, and to procure the same to be consecrated and settled for that Purpose by the Lord Bishop of *Exeter* for the Time being, or such Person as he shall appoint, and to cause such Burial Grounds to be inclosed on such Sides thereof as shall be necessary with Iron Railing, or Walls or other Fences, and proper Gates to be erected as Entrances thereto, with Locks and other Fastenings; and such Burial Grounds, and the Soil thereof, and the Freehold and Inheritance of the said Grounds and Soil so purchased, shall be and are hereby vested in the said Commissioners.

Fees on Burials.

CXII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to collect and receive any Sum not exceeding Ten Shillings for every Person who shall be interred in the said Burial Ground; and when the said Burial Grounds shall have been duly consecrated the same shall thenceforth be used as public Burial Grounds for the said City and County of the City; and it shall and may be lawful for the said Commissioners, by and with the Consent and Approbation of the said Lord Bishop of *Exeter* for the Time being, to make such other Regulations from Time to Time with regard to the said Burial Grounds as they may judge necessary and expedient.

Commissioners may widen the Streets, &c.

CXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby fully authorized and empowered,

powered, from Time to Time to widen and improve the Course or Path of any of the several and respective Streets, Lanes, Highways, and Passages under their Care and Management, or of any Part or Parts thereof, so as the same do not exceed Fifty Feet in Width; and it shall and may be lawful for the said Commissioners, and for their Surveyor or Surveyors and Workmen, for the Time being, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Tenements, or Hereditaments (not being a Yard, Garden, Orchard, Nursery for Trees, Walk, or Avenue to a House,) through or over which the widened Part of any of the said Streets, Lanes, Highways, or Passages shall pass or be intended to pass or be made, and to stake out and make the same in such Manner as the said Commissioners shall think necessary or proper, without being thereby subject or liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Forfeiture, for entering or continuing upon any Part or Parts of such Lands, Tenements, and Hereditaments respectively for the Purposes last aforesaid.

Power to declare Streets public Highways when made, on Application of Owners.

CXIV. And be it further enacted, That when any Streets, Squares, Lanes, Roads, Paths, Courts, Ways, or Passages, already laid out or hereafter to be laid out within the said City and County of the same, shall be well and sufficiently made, paved, flagged, repaired, amended, and put into good Order and Condition, in such Manner, and with such Materials, and with such Drains, as shall be to the Satisfaction of the said Commissioners, it shall be lawful for such Commissioners, upon the Application of the Owner or Owners of the Soil of such Streets, Squares, Market Places, Lanes, Roads, Paths, Courts, Ways, or Passages, or of the greater Part in Value of such Owners, to declare such Streets, Squares, Lanes, Roads, Paths, Courts, Ways, or Passages to be Highways, and by Writing under their Hands, directed to the Surveyor or Surveyors of the Highways of the said City and County of the same, to order such Surveyor or Surveyors to repair and keep in good Condition all such Streets, Squares, Lanes, Roads, Paths, Courts, Ways, or Passages; and from and after such Declaration made, and Order to the said Surveyor or Surveyors for the repairing and keeping in good Condition such Streets, Squares, Lanes, Roads, Courts, Ways, or Passages as aforesaid, the same and every of them shall be deemed and taken to be public Highways to all Intents and Purposes, and shall be repaired and kept in repair by the said Commissioners.

Power to purchase Land and Buildings for Improvements.

CXV. And be it further enacted, That it shall be lawful for the said Commissioners to contract and agree with any Body or Bodies Politic or Corporate, Collegiate or Ecclesiastical, Corporations Aggregate or Sole, Tenant or Tenants in Fee Simple or for Life or Years, or in Fee Tail, General or Special, or with any Feoffees in Trust for charitable or other Purposes, Husbands, Testamentary or other Guardians, Committees for Idiots or Lunatics, Executors or Administrators, or other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Idiots, Lunatics, Femes Covert, or other Persons under any Disability of acting for them-

themselves, or with any Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, or with any others the Owners or Proprietors for the Time being of any Houses, Buildings, Lands, Tenements, or Hereditaments situate within the said City and County of the same City, or of any Part or Parts of such said several Premises, or of any Estate, Right, or Interest therein, for the absolute Purchase of such several Premises, or any of them, or any Part or Parts thereof, or of any Estate, Right, or Interest therein, which the said Commissioners shall consider proper and necessary to be purchased for such Burial Ground as aforesaid, and for widening, opening, altering, or improving any of the Streets, Squares, Lanes, Alleys, Passages, and Places within the said City and County of the same, and for making and opening better and more convenient Ways and Communications to and from the several Streets, Ways, Roads, and public Passages and Places within the same, or for all or any of the Purposes of this Act, or as shall be necessary or requisite for the due Execution hereof and the several Powers herein contained, and to take down or alter all or any of such Houses, Buildings, Tenements, and Hereditaments so to be purchased, or any Part or Parts of the same respectively, and also to appropriate all or any Part thereof, or of the Land or Ground which shall be cleared by the taking down of any such Houses, Buildings, or Tenements, for all or any of the Purposes aforesaid, as the said Commissioners shall think fit.

When Houses, &c. projecting into the Street are taken down to be rebuilt, the Commissioners may order the same to be set back.

CXVI. And be it further enacted, That whenever any House or other Building standing in any Street, Way, Lane, or Passage within the said City and County of the same, and projecting beyond the regular Line of such Street, Lane, Way, or Passage, or other Range of Building adjoining thereto, shall be taken down and rebuilt, it shall be lawful for the said Commissioners, if they shall 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 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 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 and 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: Provided also nevertheless, that it shall and may be lawful for any Person or Persons injured or aggrieved by any such Order to make his, her, or their Complaint thereof by Appeal to the Justices of the Peace at the then next General or Quarter Sessions to be holden for the said City and County of the same, upon giving Twenty Days Notice in Writing of such Appeal to the Clerk of or to One of the said Commissioners.

Power to take Houses, &c. in the Schedule.

CXVII. And be it further enacted, That for the Purpose of making narrow and inconvenient Parts of certain Streets, Ways, Lanes, and other public Passages and Places safe and commodious for Carriages and Passengers, and for making and opening nearer, better, and more convenient Communications and Ways between many Parts of the said City and County, and the Streets, Ways, Buildings, and public Places situated in such Parts of the said City, and for altering, widening, and improving the present Communications between the said Streets, Roads, Ways, and public Passages and Places in the said City and County of the same, and for otherwise improving the same, it shall and may be lawful for the said Commissioners and they are hereby empowered to take and make use of all or any of the Houses, Buildings, Lands, Tenements, or Hereditaments mentioned or described or included in the Schedule to this Act annexed, for the Purpose of this Act, and also for the said Commissioners to make the said Widenings, Alterations, and Improvements in the said Streets or Ways or any of them, and also to make and form the said new Ways and Communications from, out of, through, and across or over the said several Houses, Buildings, Lands, Tenements, or Hereditaments mentioned, included, and described in the said Schedule to this Act annexed.

No Sum exceeding 250*l.* to be expended in Purchase of Houses, &c. except authorized at a Special Meeting.

CXVIII. Provided always, and it is hereby further enacted, That no Widening, Alteration, or Improvement of the present Streets, Ways, public Passages or Places within the said City and County of the same, nor any new Street or Communication to or from any of the said Streets, Ways, or public Passages or Places, shall be made or formed, or ordered to be made or formed, as aforesaid, whenever the Costs of the same Buildings or Land for any or either of the said Streets shall be estimated to exceed the Sum of Two hundred and fifty Pounds, unless such Widening, Alteration, Improvement, new Street, or Communication shall be ordered and directed to be made at a Meeting of the said Commissioners specially convened for such Purpose, of which Fourteen Days Notice to be given in manner aforesaid, nor unless Two Thirds of the Commissioners present at such Meeting shall concur in making any such Order.

Form of Conveyance.

CXIX. And be it further enacted, That all Sales, Conveyances, and Assurances of any Houses, Buildings, Lands, Tenements, Rents, or Hereditaments, or any Estate or Interest therein, to be made to the said Commissioners and their Successors, shall be made in the Form or to the Effect following, *mutatis mutandis*; (that is to say,)

'I [*or* We, *as the Case may be*,] of in consideration
'of the Sum of to me [*or* us] paid by the
'Commissioners under an Act passed in the Year of the
'Reign of His Majesty King *William* the Fourth, intituled [*here set*
'*forth the Title of this Act*], do hereby grant and convey to the said
'Commissioners and their Successors all [*here describe the Premises*
'*to be conveyed*] and all my [*or* our] Estate, Right, Title, Term, and
'Interest in and to the same and every Part thereof, to hold to the
'said Commissioners and their Successors thenceforth for ever, or [*as*
'*the Case may be*] during all the Remainder of my [*or* our] Term,
'Estate,

‘ Estate, and Interest in the said Premises. In witness whereof I ‘ [*or* we] have hereunto set my Hand and Seal, [*or* Hands and Seals, ‘ *or* our Common Seal, *as the Case may be*,] this Day of ‘ in the Year of our Lord .’

And every such Sale, Conveyance, Assignment, and Assurance, either in the Form or to the Effect aforesaid, or in such other Form or to such other Effect as the Nature of the Consideration to be paid for the same, and the other Circumstances relative thereto, may in the Judgment of the said Commissioners from Time to Time seem to require, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Errors in Schedule not to prevent Execution of the Act.

CXX. And be it further enacted, That if any of the Houses, Buildings, Lands, Tenements, or Hereditaments which are mentioned or described or included in the Schedule to this Act annexed, or any of the Owners thereof, or any of the Persons in whose Occupation or Possession the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually as if the same were properly named and described in the said Schedule; provided it shall appear to any Two Justices of the Peace for the said City and County of the same, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only, or that the real Owners or Occupiers of such Houses, Buildings, Lands, Tenements, or Hereditaments had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Purchases of Buildings, &c. to be made within Four Years.

CXXI. Provided always, and be it further enacted, That if the said Commissioners shall not within the Space of Four Years next after the passing of this Act agree for or cause to be valued and paid for in manner directed by this Act the several Houses, Buildings, Lands, Tenements, and other Hereditaments mentioned in the Schedule to this Act annexed, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers hereby given to them for that Purpose shall cease, determine, and be utterly void, except with the Consent in Writing of the Owners and Occupiers thereof respectively.

Mortgagees to assign.

CXXII. And be it further enacted, That all and every Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall have any Mortgage or Mortgages on such Houses, Buildings, Lands, Tenements, or Hereditaments, not being in possession of the said Premises by virtue of such Mortgage or Mortgages, shall, on Tender of the Mortgage Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the Principal Money, by the said Commissioners or their Clerk, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commissioners, or to such Person or Persons as they shall appoint; or in

case

case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners or their Clerk that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, then, on Payment of the Principal and Interest so due on such Mortgage or Mortgages, such Mortgagee or Mortgagees shall convey, assign, and transfer the said Mortgage or Mortgages, and his, her, or their Interest in the Premises, to the said Commissioners, or to such Person or Persons as they shall appoint in Trust for them; but in case such Mortgagee or Mortgagees shall refuse to convey or assign on such Tender or Payment as aforesaid, then all Interest on every such Mortgage shall, from the Time of such Tender or Expiration of such Notice, cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees any more than the real Value of such Premises; which Value, in case the Parties cannot agree upon the same, shall be ascertained and settled by a Jury in like Manner as the Value of other Lands, Tenements, or Hereditaments wanted for the Purposes of this Act is herein-after directed to be ascertained and settled.

Corporate Bodies empowered to sell.

CXXIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, Tenants in Fee Simple or for Life or for Years, or in Fee Tail, General or Special, and all Feoffees in Trust for charitable or other Purposes, Husbands, Guardians, Committees for Lunatics and Idiots, Executors and Administrators, and other Trustees and Persons whomsoever, not only for and on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for all and every other Person and Persons whomsoever who is, are, or shall be seised or possessed of or interested in any Houses, Buildings, Lands, Tenements, or Hereditaments, or entitled to any Estate, Right, Title, or Interest whatsoever in or to any Houses, Buildings, Lands, Tenements, or Hereditaments, whether the same shall be specified in the Schedule to this Act annexed or not, which the said Commissioners shall consider proper and necessary to be purchased for the Purposes of this Act, to contract and agree with the said Commissioners for the absolute Sale thereof or of any Part or Parts thereof, and of all and every Estate, Right, Title, and Interest whatsoever of, in, and to the same, unto the said Commissioners, and to demise, convey, and assign the same respectively unto the said Commissioners; and all such Contracts, Leases, Assignments, Bargains, Sales, Conveyances, and other Assurances shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without

without Enrolment or Registry, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all the Estate, Right, Title, Interest, Trust, Use, Property, Possession, Claim, and Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, through, or under them or any of them, and all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be deemed and considered to bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and of the Issue and Issues of the same Party or Parties claiming under them or any of them respectively; any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding.

On Persons refusing to treat or to sell, Jury to be summoned to assess the Value.

CXXIV. And be it further enacted, That if any such Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, Tenants in Fee Simple or for Life or for Years, or in Fee Tail, General or Special, Feoffees, Husbands, Guardians, Committees, Executors, or Administrators, Trustees, and other Person or Persons whomsoever, in anywise interested in such Houses, Buildings, Lands, Tenements, or Hereditaments required to be purchased and taken for the Purposes of this Act, and in the Schedule to this Act particularly mentioned and described, or any Occupier or Occupiers thereof sustaining any Loss, Injury, or Damage, (upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or at the usual or last Place or Places of Abode of the principal or head Officer or Officers of such Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations, Tenants in Fee Simple, or for Life or for Years, or in Fee Tail, General or Special, Feoffees, Husbands, Guardians, Committees, Executors, or Administrators, Trustees, and other Person or Persons, or at the House of the Tenant or Tenants in possession of such Houses, Buildings, Lands, Tenements, or Hereditaments intended to be purchased and taken for the Purposes of this Act,) shall for the Space of Ten Days next after such Notice given or left as aforesaid neglect or refuse to treat and agree or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Premises 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 and Recompence to be made for such Houses, Buildings, Lands, Tenements, or Hereditaments to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said City and County of the same; 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 Sheriff of the said City and County of the same, or, being a Commissioner, then to the Coroner of the said City and County, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries at the Sessions of the same City and

County, to appear before the said Sheriff or Coroner at such Time and Place as in such Warrant or Warrants shall be appointed; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff or Coroner is hereby empowered to swear Twelve to be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff or Coroner 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 Sheriff or Coroner is hereby also required and empowered, from Time to Time, as Occasion shall be and require, to summon and call before the said Jury, and examine upon Oath, (which Oath the said Sheriff or his Under Sheriff or Coroner is hereby empowered to administer,) all and every Persons and Person who shall be thought necessary and proper to be examined as Witnesses or Witness touching or concerning the Premises; and the said Sheriff or Coroner 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 his own as the said Jury's better Information in the Premises, as the said Sheriff or Coroner shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the said Houses, Buildings, Lands, Tenements, or Hereditaments to the respective Owner or Owners thereof according to their respective Interests therein; and after the said Jury shall have inquired of and assessed such Damage and Recompence, and given in their Verdict, the said Sheriff or Coroner 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 Houses, Buildings, Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury; and such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Tenants in Fee Simple or for Life or for Years, Tenants in Tail, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, Remainder, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, and Administrators, and against all other Person and Persons whomsoever; and every Verdict and Judgment as aforesaid shall be transmitted to and fairly entered and kept amongst the Records of the Quarter Sessions of the Peace for the said City and County of the same; and a Duplicate of such Verdict or Judgment shall be kept by the Clerk to the said Commissioners for the Time being; and the same, or true Copies thereof, shall be admitted, received, and taken as Evidence and Proof in all Courts of Law and Equity in all Places whatsoever; and all Persons shall have recourse to them *gratis*, and may have Copies thereof, paying Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

Verdict of the Jury to be final.

Verdict to be recorded.

Fine on Jurymen and Witnesses for Neglect.

CXXV. And be it further enacted, That the said Sheriff or Coroner shall have Power from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury, and shall not appear without some sufficient Cause, or who shall refuse to be sworn on such 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 or give Evidence; so as such Fine to be imposed on any Juryman or Witness shall not exceed the Sum of Twenty Pounds for any One Offence.

By whom Expences of Jury shall be paid.

CXXVI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered, by or on behalf of the said Commissioners, as a Recompence or Satisfaction for any such Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, and in any Case where any Person or Persons, Party or Parties, shall have been prevented by Absence from *Great Britain* from entering into Treaty with the said Commissioners, all the Costs and Charges incurred in summoning, impanelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Thirty Days next after Demand made thereof from the said Commissioners, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners under a Warrant to be issued for that Purpose by any Justice of the Peace for the said City and County of the same, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party or Parties entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners, one Moiety of all the Costs and Charges incurred as aforesaid shall be borne by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and the other Moiety by the said Commissioners; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges the same shall be settled and ascertained by any Justice of the Peace for the said City and County of the same, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid by the

the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid within Five Days next after Demand thereof, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Lessees and Tenants for Years or at Will to deliver Possession on Three Months Notice.

CXXVII. And be it further enacted, That every Lessee or Tenant for Years, or from Year to Year, or at Will, Mortgagee, and every other Person in possession of any Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased or taken by virtue of this Act, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person or Persons as they the said Commissioners shall appoint to take possession of the same, upon having Three Calendar Months Notice from the said Commissioners or their Clerk 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 any such Tenant or Lessee, or other Person as aforesaid (except a Mortgagee), in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term or Interest in the Premises, as the said 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 ascertained and settled 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 Houses, Buildings, Lands, Tenements, or Hereditaments is and are herein directed to be ascertained and settled; and such Lessee, Tenant, or other Person aforesaid in possession shall, at such Time or Times as he, she, or they shall be required by the said 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 Lessee, Tenant, or other Person aforesaid so in possession as aforesaid shall refuse or neglect to deliver up such Possession, then and in every such Case it shall be lawful for the said Commissioners to issue their Precept or Precepts to the said Sheriff to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs and Charges as shall accrue from the issuing or Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

Commissioners may take posses-

CXXVIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted

or

or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of any such Houses, Buildings, Lands, Tenements, or Hereditaments, or as a Compensation for Damages, as herein mentioned, to the Proprietor or Proprietors of such Houses, Buildings, Lands, Tenements, or Hereditaments, or to such other Person as shall be interested therein or entitled to receive such Money or Compensation respectively, within Thirty Days next after the same shall be so agreed for or assessed, or upon Payment of the said Sum or Sums of Money within the said Thirty Days into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon such Houses, Buildings, Lands, Tenements, and Hereditaments respectively, and then and thereupon such Houses, Buildings, Lands, Tenements, and Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Commissioners, as Freehold of Inheritance, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his or their Issue, and of every other Person whomsoever therein.

Provision on Payment of Purchase Money.

CXXIX. And whereas some Part or Parts of the said Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used as aforesaid may happen to be more than will be necessary for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Commissioners, 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 Houses, 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.

Power to sell Messuages, &c. not wanted for the Purposes of this Act.

CXXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before is mentioned, 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 His Majesty's Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the* 1 G. 4. c. 35.

Application of Compensation Money if amounting to 200*l.*

Court of Exchequer at Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money may 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 Houses, Buildings, Lands, Tenements, or Hereditaments, in the Purchase 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 Houses, Buildings, Lands, Tenements, or Hereditaments, or affecting other Houses, Buildings, Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with 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, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Houses, Buildings, Lands, Tenements, and 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 the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in other Government or Real Securities; and in the meantime, and until such Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase and Settlement were made.

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

CXXXI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, 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 Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing

under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in the Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application of Money not exceeding 20*l.*

CXXXII. And be it further enacted, That when such Money so agreed or awarded to be paid as aforesaid 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 Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then the same shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Purchase Money may be paid into the Bank of England in certain Cases.

CXXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, or of any Estate or Interest therein, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners 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 Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and

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 therein 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 aforesaid.

Persons in possession deemed entitled to Purchase Money.

CXXXIV. And be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Houses, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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 Houses, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order Costs of Purchases from incapacitated Parties to be paid by Commissioners.

CXXXV. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part, Estate, Right, or Interest therein, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall 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 said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Rates.

CXXXVI. And for raising, securing, and paying Money to answer and defray the several Purposes of this Act, and to defray the Charges and Expences of soliciting, obtaining, and passing this Act, or

or a Proportion thereof, (other than and except for the Purpose of lighting the said City and County of the same,) be it enacted, That the said Commissioners shall, and they are hereby authorized and required, once in every Year, to rate and assess, by a just and equitable Pound Rate or Assessment, under the Name of "The *Exeter* Improvement Rate," the several Landlords and Owners, and the several Tenants and Occupiers of all Houses, Buildings, Gardens, Tithes, and other Hereditaments within the said City of *Exeter* and County of the same, (other than and except Arable, Meadow, or Pasture Ground,) in any Sum not exceeding Nine-pence in the Pound by the Year, to be computed on the annual Rent or Value thereof respectively, and also to rate and assess the several Landlords and Owners, and the several Tenants and Occupiers of all Arable, Meadow, or Pasture Ground within the said City of *Exeter* and County of the said City, in respect of such Arable, Meadow, or Pasture Ground, in any Sum not exceeding Sixpence in the Pound by the Year, to be computed on the annual Rent or Value thereof respectively: Provided nevertheless, that no Garden exceeding One Acre shall be rated at more than Sixpence in the Pound unless the same shall be attached to and occupied with a Dwelling House.

Rates may be increased.

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

Composition Money for Highways to be paid by the Commissioners.

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

Rate for lighting.

CXXXIX. And be it further enacted, That the Charges and Expences of lighting, setting up, fixing, providing, maintaining, and repairing the Lamps by this Act directed to be set up, for the Purpose of lighting the Streets, Ways, Passages, and Places, Parishes, Liberties, Suburbs, and Precincts of the said City and County of the same City of *Exeter*, and for otherwise putting this Act into execution, in any Manner, touching and concerning the lighting the said City and County of the same, shall be at all Times borne and paid and defrayed by the Tenants or Occupiers of all Houses, Buildings, Lands, Tithes, and other Hereditaments within the said City of *Exeter* and County of

of the same; and for that Purpose the said Commissioners shall and they are hereby authorized and empowered and required, from Time to Time, once in every Year, to rate and assess by a just and equal Pound Rate or Assessment, under the Name of "The *Exeter* Lamp Rate," all the Tenants or Occupiers of all Houses, Buildings, Lands, Tithes, and other Hereditaments within the said City and County of the same, in respect thereof, any Sum not exceeding Five-pence in the Pound by the Year, to be computed on the annual Rent or Value thereof: Provided always, that all the Monies raised and levied under and by virtue of the said Rate or Assessment to be named "The *Exeter* Lamp Rate" shall be paid and applied to the Purposes of lighting, fixing, and maintaining the Lamps of the said City and County of the same (excepting the Payment of a due proportional Part or Share, not exceeding One Third, of the Expences of obtaining this Act, and of Books, Advertisements, Printing, Stationery, Salaries of Officers, and such other Expences as are incident to carrying into execution the Powers of this Act touching the lighting in conjunction with the Powers touching the paving and improving the said City and County of the same); and separate Accounts shall be kept and published, in manner herein-before mentioned, of the Monies levied and collected under and by virtue of the said "*Exeter* Lamp Rate;" and no greater Part or Proportion of the said Pound Rate of Five-pence in the Pound shall be raised, rated, assessed, or levied by the said Commissioners than shall be necessary and required for the providing, lighting, fixing, and maintaining the Lamps of the said City and County of the same (except as herein-before excepted).

No more Money to be levied under Lamp Rate than is necessary for lighting, &c.

Dean and Canons exempted from the Rate on a certain Condition.

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

Assessors to be appointed.

CXLI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, when and as often as they shall see Occasion, to nominate and appoint Two or more of the Inhabitants of the said City and County of the same, or of each Parish, Precinct, or Ward within the said City and County of the same, to be the Assessor or Assessors of such Rates and Assessments; and such Assessor or Assessors is and are hereby authorized and required to make such Rates and Assessments from Time to Time accordingly, and to appear at such Time and Place as the said Commissioners shall by Writing under their Hands order and appoint, and then and there produce and deliver to them Two Copies or Duplicates of the Rates and Assessments made, in the Manner and according to the Form directed by the said Commissioners, and subscribed by such Assessor or Assessors, and also from Time to Time, upon reasonable Notice to him or them given by the said Commissioners, to attend them the said Commissioners at any of their Meetings, to explain the respective Rates and Assessments; and the said Commissioners shall, from Time to Time, as soon as may be after any such Rate or Assessment shall

be made and delivered to them by such Assessor or Assessors, settle and sign the same, and cause a Duplicate thereof, also signed by them, to be delivered to the Collector or Collectors to be appointed in that Behalf, and shall also issue their Orders to such Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment, and such Collector and Collectors is and are hereby authorized and required to collect and receive the same accordingly, and also, once at least in every Three Calendar Months, or oftener if directed so to do by the said Commissioners, by Writing, to pay the Money so to be collected and received by virtue of this Act to the Treasurer for the Time being to the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes of this Act; and all and every such Collector or Collectors shall and is and are hereby required, at the Time of making every such Payment of the Money so by them respectively collected as aforesaid, to deliver to such Treasurer, or other Person or Persons empowered to receive the same, a true and exact Account of all Sums of Money received by him or them respectively, and also of such Sums of Money, Rates, or Assessments (if any) as shall remain uncollected, together with the Reasons why the same have not been collected; and if any Person who shall be appointed to the Office of Assessor in virtue hereof shall refuse or neglect to take upon himself such Office, without showing some reasonable Cause, to the Satisfaction of the said Commissioners, for such Refusal or Neglect, or shall wilfully make default in performance of the Duty of his said Office, or shall otherwise misbehave himself therein, he shall for every such Refusal, Neglect, or Misbehaviour forfeit and pay any Sum not exceeding Ten Pounds, to be recovered as other Penalties are herein-after directed to be recovered.

Same Person not to be again compelled to serve for Three Years.

CXLII. Provided always, and be it enacted, That no Person so nominated or appointed an Assessor, and who shall have served such Office, or shall have paid such Penalty as aforesaid for not serving the same, shall be again compellable or competent, except with the Consent of a Vestry Meeting of any Parish in respect of which any such Assessor shall be appointed, to serve the said Office in less than Three Years after the End of such Service or Payment of such Penalty.

Power for Commissioners to order the Parish Rate Book to be produced, &c.

CXLIII. And in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to cause all or any of the Books or Assessments of the Rates towards the Relief of the Poor of the respective Parishes within the said City and County of the same to be brought before them, and to take a Copy or Copies of such Books or Assessments, or of any Part or Parts thereof, without Fee or Reward; and if any Person or Persons in whose Custody or Power any of the said Books or Assessments shall be shall, upon Notice to him for that Purpose given by the Clerk to the said Commissioners, refuse or neglect to attend the said Commissioners with such Books or Assessments in his, her, or their Custody or Power, or to permit or suffer the said Commissioners

sioners to take or cause to be taken a Copy or Copies thereof, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power for Commissioners to amend Rates if improper, &c.

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

Apportionment of Way and Improvement Rate between Owners and Tenants.

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

Landlords Rates to be paid or allowed to the Tenants.

CXLVI. Provided always, and be it enacted, That all such Part and Parts of the Rates and Assessments hereby directed and authorized to be made as shall, under the Provisions in this Act contained, be charged on and payable by the Landlord or Landlords, Owner or Owners of all and every the said Houses, Buildings, Lands, Grounds, and other Hereditaments, shall be paid or allowed by such Landlord or Landlords, Owner or Owners, to the Tenants or Occupiers respectively who shall pay the same; and such Tenants and Occupiers are hereby

hereby authorized and empowered to deduct and retain out of their respective Rents such Sums of Money as they shall respectively pay for and on the Behalf of the respective Landlords or Owners of such respective Premises, and the said Payments shall be considered as Money actually paid for Rent due or to become due to such Landlords or Owners, who shall allow the same to their respective Tenants or Occupiers out of their Rent accordingly.

Mode of charging the Improvement Rate on public Buildings.

CXLVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, once in every Year, to rate and assess the Churchwardens, Chapel-wardens, Trustees, Agents, or principal Officers of every Church, Chapel, Meeting, or other Place or Places of public Worship, Hospital, School, Workhouse, or other public Building, fronting or abutting on any Street or public Place within the said City and County of the same, to the said *Exeter* Improvement Rate, at the Rate of Sixpence by the running Yard for every Yard in Length of the Pavement of such Streets or public Places, to be levied and recovered by the same Means as herein provided for the Recovery of any other Rate or Assessment.

Assessment on the Corporation and Dean and Chapter.

CXLVIII. And whereas the Mayor, Bailiffs, and Commonalty of the said City of *Exeter* and County of the same were by ancient Custom subject to and liable to the Repair of the Pavement and Highway adjoining to the Guildhall, and in various other Parts of the said City and County, and the Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter* were subject to the Repair of certain other Parts of the Pavement and Highways in the said City and County other and beside the Close belonging to the Cathedral Church of *Saint Peter* in the said City: And whereas by the said recited Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third aforesaid it was enacted, that the Mayor, Aldermen, and Common Council of the Mayor, Bailiffs, and Commonalty of the said City for the Time being should take Order for the paying and effectually causing to be paid yearly and every Year, by Four equal quarterly Payments, the Sum of Fifty Pounds to the said Commissioners acting under the said Act, or their Treasurer or other Person, as in the said Act mentioned, and that the said Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter* should take Order for the paying or effectually causing to be paid the Sum of Fifty Pounds yearly and every Year, by equal quarterly Payments, in like Manner as in the said Act mentioned, which Monies were to be respectively applied in manner as in the said Act is mentioned; be it therefore enacted, That the Mayor, Aldermen, and Common Council of the Mayor, Bailiffs, and Commonalty of the said City for the Time being, and also the Dean and Chapter of the said Cathedral Church of *Saint Peter* for the Time being, and their several and respective Successors, shall and they are hereby authorized and required to take Order for the paying and causing to be effectually paid, yearly and every Year, from the First Day of *January* next, by Four equal quarterly Payments, the said respective Sums of Fifty Pounds each to the said Commissioners or their Treasurer for the Time being, or to such other Person or Persons as they shall direct,

to be by them applied towards the Purposes of this Act; and in default of Payment of the said Two several Sums of Fifty Pounds or either of them by such equal quarterly Payments as aforesaid, the same shall and may be levied and recovered by the same Means as are herein provided for the Recovery of any other Rate or Assessment; and in consideration of such annual Payments, they the said Mayor, Bailiffs, Commonalty, and the said Dean and Chapter, their respective Successors and Assigns, shall be exonerated and for ever discharged from all future Charges and Expences of making, repairing, and cleansing any of the Pavements and Highways within the said City and County of the same which they or any of them are now, or were before the passing of the said recited Act, liable to, but that all such Parts of the same as have heretofore been made, repaired, or cleansed by the said Mayor, Bailiffs, and Commonalty of the said City and County of the same, and the said Dean and Chapter of the said Cathedral Church of *Saint Peter*, shall for ever hereafter be paved, repaired, and cleansed under the Direction of the said Commissioners.

When Rates are to commence, and how payable.

CXLIX. And be it further enacted, That the first of the said Rates and Assessments herein-before authorized to be made shall commence at and upon the Twenty-fifth Day of *March* next after the passing of this Act, and shall be made for One Year only, and thereafter the said Rates shall be made for each and every Year commencing at or upon the Twenty-fifth Day of *March* in every Year; and the Money so to be rated and assessed shall from Time to Time be levied and paid, by quarterly Payments, to such Person or Persons as the said Commissioners shall nominate and appoint to be Collector or Collectors of the same, as herein mentioned, and all such Sum or Sums of Money shall be paid over by such Collector or Collectors to the Treasurer to the said Commissioners; provided that no Rate or Assessment to be made in pursuance of this Act shall be valid until the same shall be signed by Five of the said Commissioners.

Collectors.

CL. And be it further enacted, That the said Commissioners may and they are hereby required, yearly and every Year, and as often as there shall be Occasion, to grant and issue their Warrants under the Hands and Seals of any Five or more of them, thereby to authorize and require the Churchwardens and Overseers of the respective Parishes or Places rated or assessed by virtue of this Act, or such other Person or Persons as the said Commissioners shall appoint, to be Collectors of the said Rates and Assessments; and that all the said Rates and Assessments shall be paid to the said Collectors by the respective Tenants or Occupiers of the said respective Houses, Buildings, Lands, Tithes, Grounds, and other Hereditaments rateable by virtue of this Act; and that if any Neglect or Refusal of Payment of any Rate or Assessment as aforesaid shall be made to any such Collector or Collectors, upon Demand made by any such Collector or Collectors on the Occupier or Occupiers of such Houses, Buildings, Lands, Grounds, or other Hereditaments, or such Person or Persons so rateable as aforesaid, either in Person, or by Writing left at the usual Place of Abode of such Occupier or Occupiers,

Rates to be paid by Tenants.

Person or Persons, by the Space of Six Days, it shall be lawful to and for any Justice of the Peace for the said City of *Exeter* and County of the same, upon Proof made upon Oath of such Demand and Nonpayment, by Warrant under his Hand and Seal, which he is hereby empowered to grant, to authorize and direct the said Collector or Collectors to levy such Rate or Money so in arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting and refusing to pay as aforesaid, and to sell and dispose of the Goods and Chattels so distrained, for and towards the Payment of the said Rates and Assessments, and the Costs and Charges attending the same, rendering the Overplus (if any) to the Owner or Owners thereof, on Demand.

Rates on Houses let to divers Tenants how to be assessed and collected.

CLI. And whereas several Houses within the said City and County of the same may be by the Landlords or Owners thereof let out into Lodgings or Tenements to divers Tenants, or to Persons whom the said Commissioners shall consider incapable of paying Rates, whereby it may be difficult to rate such Houses, and to recover such Rates or Assessments when made; for Remedy whereof be it enacted, That the said Commissioners or any Five or more of them shall and may rate and assess the Landlord or Proprietor, or any Person or Persons who shall stand charged or assessed in the Rate made for the Relief of the Poor in the said City and County of the same, for such House or Houses which shall be occupied by Two or more Tenants, or let for any Term less than a Year, or to any Person who shall be relieved from Rates on account of his or her Poverty, or let under the yearly Rent of Five Pounds, and the Landlord or Proprietor, or the Person or Persons so charged or assessed in the said Rate made for the Relief of the Poor, shall pay the same accordingly, and for the Purposes of this Act shall be deemed the Occupier thereof; but in every such Case the said Rates and Assessments to which the Owner and Owners of the said House or Houses are hereby made liable shall and may be collected of and paid by the Occupier and Occupiers thereof: Provided always, that no such Occupier or Occupiers shall at any Time be required to pay, or be subject or liable to pay, any greater Sum or Sums for or towards the discharging of the said Rates or Assessments, or any of them, than the Amount of the Rent actually due and payable by such Occupier or Occupiers to the Landlord and Landlords, Owner or Owners, Lessor or Lessors, Lessee or Lessees of the Premises so occupied by him, her, or them.

Commissioners may relieve from Rates, and compound for them, in certain Cases.

CLII. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, if they shall think fit, by reason of the Poverty of any Person or Persons rated under this Act, either wholly or in part to excuse such Person or Persons from the Payment of any Rate or Rates under this Act, as the said Commissioners shall in their Discretion think proper; provided that no Person be so excused from more than One Year's Rate at once; and it shall also be lawful for the said Commissioners, if they think fit, to compound with the Owner or Owners of any Cottages or Dwelling Houses

Houses which under this Act may be respectively assessed at any Amount not exceeding Fifteen Pounds *per Annum* for Payment of a Sum less than the Rates or Assessments thereon, the said Commissioners not accepting for any such Composition less than Two Thirds of the whole Year's Rates, and such Owner and Owners paying the Amount of such Composition forthwith on the same being agreed upon; and in the Event of the same not being so paid the Tenants or Occupiers of every such Cottage or Dwelling House shall be and remain liable to the full Amount of such Rates and Assessments, and to the Powers and Remedies hereby provided for Recovery thereof, in such and the same Manner as if no such Composition had been attempted.

Empty Property exempted.

CLIII. Provided always, and be it further enacted, That the Rates or Assessments aforesaid shall not be payable for or in respect of any Property hereby made liable to be rated or assessed for or during the Time the same shall be empty, unoccupied, or unemployed.

For recovering of Tenants Rates in Cases of Removal.

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

Warrant for Recovery of Rates may include several Persons.

CLV. And be it further enacted, That the Distress or Distresses for the Nonpayment of any Rates or Assessments to be made under or by virtue of this Act may include One or more Person or Persons, and shall be by Warrant, in the Words or to the Effect following; (that is to say,)

'To

Form of Warrant.

'Exeter, to wit.' } To the Collectors of the Rates made by the Commissioners for executing an Act made and passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [*here insert the Title of this Act*], and also to the Constables and other Police Officers of the said City and County of the same:

'WHEREAS the undernamed Persons, now or late Inhabitants, Landlords, Tenants, or Occupiers of Houses, Buildings, Lands, Tenements, or Hereditaments, or Parts of Houses, Buildings, Lands, Tenements, or Hereditaments, within the City and County aforesaid, are duly rated and assessed under the Authority of the said last-mentioned Act, and there is now due from such Persons respectively the several Sums of Money opposite their Names herein-after respectively set down, which they have respectively refused or neglected to pay, as satisfactorily appeareth to me the undersigned (being one of His Majesty's Justices of the Peace for the said City and County), upon the Oath of the Person appointed to collect the same: These are therefore to will and require you or any of you forthwith to levy the several Sums herein-after mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Warrants, Distress, Sales, and keeping being first deducted; and if no sufficient Distress can be had or taken, that then you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize or direct: And all and singular the Constables and other Peace Officers for the said City are hereby strictly charged and commanded to be aiding and assisting in all things relating to the Premises. Given under my Hand and Seal, this Day of

'*A. B.*
'*C. D.*
} [Sums due.']

And the said Clerk to the Justice granting any such Warrant shall be at liberty to charge the Sum of One Shilling, and no more, for the Name of each and every Person included therein whose Rates and Assessments sought to be thereby recovered.

For Recovery of Landlord's Proportion of Rates when Tenants remove or quit.

CLVI. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of any such Houses, Buildings, Lands, Grounds, or other Hereditaments, before such Rate or Rates, Assessment or Assessments, shall be paid by him, her, or them, or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall not be sufficient to pay such Rate or Rates, Assessment or Assessments, or if any such Tenant or Tenants, Occupier or Occupiers, shall in the Judgment of the said Commissioners be unable, through Poverty, to pay the same, or if it shall happen that any of the Houses, Buildings, Lands, Grounds, or other Hereditaments within the said City and County of the same, of which the Landlord or Landlords, Owner or Owners, is or are rateable or assessable to the said Rates and Assessments, shall be and remain untenanted, then and in every such Case such Houses,

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

Collectors may enforce Payment of Rates from Persons about to remove.

CLVII. And be it further enacted, That in order to avoid the Loss which frequently happens by Tenants or Occupiers of Houses, Tenements, or Hereditaments, or Parts of Tenements, removing from the same before the Quarter Day on which the Rates charged on the said Houses, Tenements, or Hereditaments, or Parts of Tenements, shall become due and payable, it shall be lawful for the Collector or Collectors to be appointed as aforesaid, Thirty Days before every such Quarter Day, or at any other subsequent Time before such Quarter Day, to demand and receive the respective Rates to be made by virtue of this Act, and which would be due and payable on such Quarter Day, and in case of Nonpayment thereof to enforce the Payment of such Rates in the same Manner and with the same Powers as in case of Nonpayment of such Rates upon or after the Quarter Day on which the same would have become due and payable.

Persons removing from or coming in to pay in proportion.

CLVIII. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Building, Land, Ground, or other Hereditaments, the Tenant or Occupier whereof shall be rated or assessed or be liable to be rated or assessed by virtue of this Act, every such Person or Persons so removing from

or quitting the same shall be liable to pay such Rate or Assessment, in proportion to the Time that such Person or Persons occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Land, Ground, or other Hereditaments, rated or assessed or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall have removed, or which at the Time of making such Rate or Assessment was empty or unoccupied, the Person or Persons coming in or occupying the same shall be liable to pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Tenants overpaying Rents in discharge of Landlords Rates, how to be reimbursed.

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

Power to borrow Money.

CLX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary for the Purposes of this Act, upon the Credit of the Rates or Assessments to be laid and collected by virtue of this Act, and by Writing under their Common Seal to assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and the Costs and Expences of such Assignment thereof, to be made as hereafter mentioned, shall be

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:

Form of Assignment.

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

No greater Sum than 6,000*l.* to be borrowed, unless with Consent of Two Thirds of the Commissioners.

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment thereof, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act: Provided always, that no greater Sum than the Sum of Six thousand Pounds shall be borrowed and be due and owing by the said Commissioners at any One Time, on the Credit of the said Rates or Assessments, save and except by an Order made at a Meeting or Meetings to be holden for that express Purpose, of which Meeting Fourteen Days Notice at the least in Writing shall be given, signed by the Clerk to the said Commissioners, and affixed to the Guildhall of the said City, and given to or left for the said Commissioners at their respective Places of Abode, specifying the Purpose of such Meeting, nor except a Majority of Two Thirds of the Commissioners present at such Meeting shall agree to the same.

Power of transferring Mortgages in a prescribed Form.

CLXI. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, and their respective Executors, Administrators, or 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 secured 'to *C. D.* and his Assigns, [*or* his Executors, Administrators, and 'Assigns, *as the Case may be,*] by virtue of an Assignment, bearing

'Date

'Date the Day of under the Hands and Seals
'of of the Commissioners acting in the Execution of
'an Act made in the Year of the Reign of King *William*
'the Fourth, intituled [*here set forth the Title of this Act*], upon the
'Credit of the Rates and Assessments granted or payable by the
'said Act, do hereby transfer all my Right and Title in and to the
'same Sum, and all Interest and other Money now due and owing
'thereon, unto *E.F.*, his Executors, Administrators, and Assigns.
'Dated the Day of in the Year .'

Copies of Assignments to be kept by the Clerk.

And a Copy of every Security or Assignment 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 signify and contain the Date and Names of the Parties and Sums of Money thereby transferred, to which Book any Person interested shall at all reasonable Times have Access, and 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 such 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 Enrolment whatsoever.

No Preference in Payment of Mortgages.

CLXII. And be it further enacted, That the several Persons to whom any such Mortgages shall have been made shall be severally entitled to their respective Quota of the said Rates and Assessments, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without any Preference by reason of the Priority in Date of any such Mortgage, or on any other Account whatsoever.

RegisterBook to be kept of Mortgages.

CLXIII. And be it further enacted, That a Book shall be provided by the said Commissioners under this Act, in which shall be entered and registered Copies of all Mortgages made in pursuance of this Act; which Book shall be open to the Inspection of the several Holders of Mortgages made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward.

Money may be borrowed at lower Interest, to pay off existing Mortgages.

CLXIV. And be it further enacted, That in case the said Commissioners under this Act shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the original or other Mortgages which may have been granted by the Commissioners under the said recited Act hereby repealed, or by the said Commissioners under this Act, and which may happen to be then existing, it shall be lawful for the said Commissioners under this Act from Time to

Time to charge the said Rates or Assessments in manner aforesaid with any Sum or Sums of Money to be borrowed at such lower Rate of Interest, and therewith to pay off and discharge any of the said original or other Mortgages bearing a higher Rate of Interest, according to the Directions and Regulations herein-after prescribed for paying off Mortgages.

Payment of Mortgages amounting to 100*l.* or upwards to be determined by Ballot.

CLXV. And for making effectual Provision for the paying off all the said Mortgages granted under and by virtue of this Act or the said recited Act, be it further enacted, That when and so often as there shall be in the Hands of the said Commissioners under this Act, or of their Treasurer, the Sum of Three hundred Pounds over and above what is sufficient for executing the Purposes of this Act, such Commissioners shall cause the several Numbers of all Mortgages granted and then in force, of the Amount of One hundred Pounds or upwards, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form and be put into a Box; and the Clerk or Clerks of such Commissioners shall, in the Presence of Five or more of such Commissioners, draw separately out of the said Box One of the said Numbers of the said Mortgages for every distinct and separate Sum of One hundred Pounds which shall so be in the Hands of the said Commissioners; and thereupon the Holder or Holders of Mortgages whose Number or Numbers shall be so drawn shall accordingly receive the Sum of One hundred Pounds each from such Commissioners, in Payment and Discharge, or in part Payment and Discharge, as the Case may be, of the Principal Money due and owing upon his, her, or their respective Mortgage or Mortgages; and after every such Ballot the said Commissioners shall cause Notice, signed by the Clerk, to be given to the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, which Notice shall express the Principal Sums to be paid off, and that the same will be paid, together with Interest due thereon, at a Place specified in such Notice, at the Expiration of Six Calendar Months from the Date of giving such Notice; and the Interest of the Principal Money to be paid off shall, from and after the End of the said Six Calendar Months, cease and be no longer paid or payable, unless the Money shall be demanded, pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Six Calendar Months, shall nevertheless be payable, on Demand, to the Persons entitled to receive the same.

Provision for Payment of Mortgages under 100*l.* upon Six Months Notice.

CLXVI. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, at any Time when convenient to them, to pay off and discharge any of the Mortgages granted under and by virtue of this Act or the said recited Act hereby repealed, without Ballot, when the Holder or Holders thereof for the Time being shall not be Holders to the Amount of One hundred Pounds, upon giving Six Months previous Notice to such Holder or Holders of their Intention.

CLXVII. And

Application of Money raised or borrowed.

CLXVII. And be it further enacted, That all Money to arise by or from the said Rates or Assessments hereby granted, and the Surplus of any Monies levied or received by the said recited Act, and not applied, and all Money to be levied or received from Time to Time by virtue of this Act, and all the Money which may be borrowed on the Credit thereof, shall be paid to the Treasurer to the said Commissioners, or to such Person or Persons as they shall appoint, and shall be applied and disposed of, in the first place, in paying and defraying the Charges and Expences which shall have been incurred in or shall be incident to and attending the soliciting, obtaining, and passing of this Act, and of the Interest for the Money which shall have been advanced for defraying such Charges and Expences; and the Interest of all Monies due and owing at the Commencement of this Act on the Credit of the said recited Act, and the Interest of all Monies which may become due and owing on the Credit of this Act; and, in the next place, as to such Monies as shall be borrowed and taken up at Interest upon the Credit of the said Rates or Assessments, under the Power aforesaid, to the Extent of Six thousand Pounds, the same shall be applied in the making (where not already made or insufficiently made) and completing Common Sewers through all the Streets of the same City and County of the same, and in laying with Flagstones the Footpaths of the Streets of the said City where such Streets are in the Judgment of the said Commissioners of sufficient Width to allow of such Flagstone Footpaths, and in paving in a sufficient and proper Manner all such Footways and Carriageways as may in the Judgment of the said Commissioners require to be paved; and, in the next place, in defraying the Costs, Charges, and Expences of paving, cleansing, lighting, watching, and watering the several Streets, Lanes, and other public Passages and Places in the said City and the Suburbs thereof, in manner hereby directed, and in widening and otherwise improving the Streets, Ways, and public Passages and Places within the same City and County of the same, and in making new and more convenient Ways and Communications therein, and of carrying the several other Purposes of this Act into full and complete Execution, and afterwards in paying the Principal of all Monies due and owing at the Commencement of this Act on the Credit of the said recited Act, and the Principal of all Monies which may hereafter become due and owing on the Credit of this Act, and for no other Use, Intent, or Purpose whatsoever.

Mayor and Chamber may license Hackney Coaches.

CLXVIII. And be it further enacted, That it shall be lawful for the Mayor, Aldermen, and Common Council of the said City and County, and they are hereby authorized, from Time to Time, to license a sufficient Number of Hackney Coaches, Chaises, Cars, Sociables, Cabriolets, Flys, and other Carriages and Sedan Chairs, Ticket Porters, and Porters Carts, to ply for Hire within the said City and County, under such Rules, Orders, and Regulations as are herein-after mentioned, and for which Licence no more than Sixpence shall be paid, and the same shall continue in force for One Year.

CLXIX. And

Orders and Bye Laws.

CLXIX. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Common Council to constitute and ordain, and from Time to Time to provide, such Bye Laws, Rules, Orders, and Regulations as they shall think fit, for regulating all Officers, Workmen, and Servants to be employed by them under the Authority of this Act; and for regulating the licensing of Hackney Coaches, Chaises, Cars, Sociables, Cabriolets, Flys, and other Carriages and Sedan Chairs, and Ticket Porters, and Porters Carts, to ply for Hire within the said City and County; and for regulating and ordering such Hackney Coaches, Chaises, Cars, Sociables, Cabriolets, Flys, and other Carriages and Sedan Chairs, and also such Ticket Porters, and Porters Carts; and in what Manner the Owners, Drivers, and Carriers thereof, and the said Ticket Porters respectively, shall conduct and behave themselves; and also in what Manner such Hackney Coaches, Chaises, Cars, Sociables, Cabriolets, Flys, and other Carriages and Sedan Chairs shall be furnished and provided, and what Number of Persons may be carried in each of such Coaches, Chaises, Cars, Sociables, Cabriolets, Flys, and Chairs; and for compelling such Owners, Drivers, Carriers, and Ticket Porters respectively to register the Names and Places of Abode of all Owners, Drivers, Carriers, and Porters respectively with the Town Clerk of the said City, and also with the Clerk or Clerks, or other Officer or Officers of the said Commissioners under this Act; and touching and concerning the Messages, Goods, Parcels, and Things to be carried and conveyed by such Ticket Porters or any of them; and for ascertaining and fixing, altering and removing, from Time to Time, the Stands of such Coaches, Chaises, Cars, Sociables, Cabriolets, Flys, and other Carriages, Sedan Chairs, Ticket Porters, and Porters Carts; and for trying, adjudging, and punishing Misconduct or Misbehaviour of Drivers of Hackney Coaches, Chaises, Cars, Sociables, Cabriolets, Flys, and other Carriages, and of Chairmen and Ticket Porters plying for Hire within the said City and County; and for ascertaining and fixing what Rates, Fares, and Prices, as well for Time as Distance, shall be allowed to be taken by such Drivers, Chairmen, Flymen, and Ticket Porters plying for Hire within the same City and County; and to what Distances such Drivers, Chairmen, Flymen, and Ticket Porters shall be obliged to drive, go, and come in, through, and round the same City and County, not exceeding for such Drivers Ten Miles, not exceeding for such Chairmen or Flymen Eight Miles, and not exceeding for such Porters Four Miles; and the said Mayor, Aldermen, and Common Council, from Time to Time as they shall think fit, shall repeal, alter, or amend such Bye Laws, Rules, Orders, and Regulations, or any of them, and shall ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking the same or any of them; and such Penalties and Forfeitures shall be recovered and recoverable as other Penalties or Forfeitures are by this Act directed to be recovered: Provided always, that no such Penalty or Forfeiture to be ascertained and set down as last aforesaid shall exceed the Sum of Forty Shillings for every such Offence: Provided also, that no such Bye Law, Rule, Order, or Regulation be repugnant to the Laws

of that Part of the United Kingdom called *England*, or to any thing in this Act contained.

Bye Laws to be printed and distributed.

CLXX. And be it further enacted, That the said Mayor, Aldermen, and Common Council shall cause such Bye Laws, Rules, Orders, and Regulations to be printed and distributed, and, painted on Boards in legible Characters, stuck up or placed upon the Guildhall and some conspicuous Place or Places within the said City and County, and renew the same whenever they shall become obliterated or defaced; and all such Bye Laws, Rules, Orders, and Regulations, so made, painted, printed, distributed, and stuck up, shall be good, and shall be binding upon all Persons concerned; and such Bye Laws, Rules, Orders, and Regulations shall be subject to Appeal in manner by this Act directed.

Penalty on Persons plying with Coaches, &c. without Licence, or in improper Places.

CLXXI. And be it further enacted, That if the Driver of any Coach, Chaise, Car, Sociable, Cabriolet, Fly, Porter's Cart, or other Carriage, or the Carrier or Carriers of any Sedan Chair, or any Ticket Porter, shall be found standing or plying for Hire, or using such Coach, Chaise, Car, Sociable, Cabriolet, Fly, Ticket Porter, Porter's Cart, or other Carriage or Sedan Chair in the said City and County, without such Licence as aforesaid, or, having such Licence, shall be found plying or standing for Hire contrary to the Bye Laws, Rules, Orders, or Regulations which shall be made in this respect, the Owner or Owners, Driver or Drivers of, or the Person or Persons driving or offering to drive, such Coach, Chaise, Car, Sociable, Cabriolet, Fly, Porter's Cart, or other Carriage, and the Owner or Owners, Carrier or Carriers of such Sedan Chair, and every such Flyman and Ticket Porter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Owners of Hackney Coaches, &c. to affix their Number, and leave Notice of their Places of Abode.

CLXXII. And be it further enacted, That within Three Days next after the Owner or Owners of any Hackney Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage or Sedan Chair, or Porter's Cart, and also after any such Ticket Porter or Ticket Porters shall be licensed according to the Bye Laws, Rules, and Orders made by virtue of this Act, every such Owner or Owners of such Hackney Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage, Sedan Chair, or Porter's Cart, shall affix and keep such Figure or Number as shall be respectively appointed on some conspicuous Part of such Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage, Sedan Chair, and Porter's Cart respectively; and every such Porter shall affix the Number of his Licence on some conspicuous Part of his Person, and shall leave at the Office of the Town Clerk of the said City, and of the Clerk for the Time being of the said Commissioners, a true Account in Writing of his, her, or their Place or Places of Abode, with the Figure or Number of each Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage, Sedan Chair, or Porter's Cart, and of his Person, and so from Time to Time, as often as any such licensed Owner or Owners of such Hackney Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage, Sedan Chair, or Porter's Cart, or Ticket Porter, shall remove from his, her,

or their Place of Residence; and every such Person or Persons shall for every Neglect or Refusal so to do forfeit and pay any Sum not exceeding Twenty Shillings; and if any Owner or Owners of any Hackney Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage, Sedan Chair, or Porter's Cart, not being licensed as aforesaid, shall fraudulently, or with Intent to deceive, affix or place on his or her Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage, Sedan Chair, or Porter's Cart, any such Figure or Number to resemble any Figure or Number fixed by virtue of this Act for any Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage, Sedan Chair, or Porter's Cart so licensed as aforesaid, or if any such Ticket Porter not licensed as aforesaid shall fraudulently, or with Intent to deceive, affix on his Person any Figure or Number to resemble any Figure or Number fixed by virtue of this Act for any Porter licensed as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For Recovery of Fares, &c.

CLXXIII. And be it further enacted, That if any Person who shall have hired and employed any such Coach, Chaise, Car, Sociable, Cabriolet, Fly, or other Carriage, Sedan Chair, Porter's Cart, or Ticket Porter, shall refuse or neglect to pay any Rates, Fares, or Prices authorized by such Bye Laws, Rules, and Orders, the same shall and may be levied and recovered in such and the like Manner as any Penalty or Forfeiture is hereby authorized to be levied and recovered.

Penalty on Persons obstructing any Persons employed in the Execution of this Act.

CLXXIV. And be it further enacted, That if any Person or Persons shall at any Time interfere with or interrupt or meddle in any Manner with the Proceedings or Orders of the said Commissioners, had or made at any Meetings by them holden in pursuance of or in exercise and execution of the Powers of this Act, or if any Person shall obstruct, assault, hinder, or molest any of the said Commissioners, or any Treasurer, Clerk, Surveyor, Assessor, Collector, Workman, or Agent, or any Watchman, Constable, Patrole, Beadle, or other Officer or Officers, Person or Persons whomsoever, who is, are, or shall be appointed or employed by virtue of this Act, or of any Bye Law or Order made in pursuance thereof, in the Execution or Performance of his or their Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue or under the Authority of the same respectively, or shall aid or incite any Person so to obstruct, assault, hinder, interrupt, interfere, or intermeddle with or molest, every Person so offending, being thereof convicted by any One of His Majesty's Justices of the Peace for the said City and County of the same, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Compensation for Damages, &c. by Commissioners may be levied by Distress.

CLXXV. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by the said Commissioners to any Person or Persons as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by such Commissioners, or any Person or Persons acting by or under their Authority,

or for any Costs or Expences relating thereto, not herein-before otherwise provided for and directed, and such Sum shall not be paid by such Commissioners to the Party or Parties entitled to receive the same within Six Days after Demand in Writing shall have been made for that Purpose, then and in every such Case the Amount of such Compensation or Satisfaction, Costs or Expences, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Commissioners by virtue of this Act, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said City and County of the same, which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners, or to their Treasurer for the Time being, as the Case may be.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

CLXXVI. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

CLXXVII. And be it further enacted, That in all Cases wherein any Penalty or Forfeiture hereby imposed is made recoverable by Information before a Justice of the Peace it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against, and any Witness or Witnesses the said Justice may think proper, before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, whether he be present or absent, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited..

Mode of serving Notices.

CLXXVIII. And be it further enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon

upon the said Commissioners under this Act, Service thereof respectively upon the Clerk or Treasurer of such Commissioners, or left at the Office of such Clerk or Treasurer, or delivered to some Inmate at his last or usual Place of Abode, or at the Office of such Commissioners, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by such Commissioners, or delivered to some Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners under this Act.

Directions as to the Manner of serving Summonses and Notices.

CLXXIX. And be it further enacted, That in all Notices and Summonses which by this Act are directed or required to be given or served, or which are or may be required to be given or served by any Rules, Orders, or Bye Laws in pursuance of this Act, or for carrying into execution any of the Powers and Provisions of this Act, or any of such Rules, Orders, or Bye Laws, where the Manner of serving such Notices or Summonses is not otherwise particularly directed by this Act, the Service of any such Notice or Summons, either upon the Person to whom the same ought to be given, or by delivering the same, or a true Copy thereof, to some Inmate at his or her Dwelling House, or last or usual Place of his or her Abode, shall be good and sufficient Service of any such Notice or Summons; and in all Cases whatsoever where any such Notice or Summons ought to be given to Two or more Persons for or respecting the joint Act or Omission of any such Persons, (whether such Persons be in Partnership in Trade or not,) when jointly concerned in any such Act or Omission, the like Service of any Notice or Summons on any One of such Partners or Persons shall be also a good and sufficient Service thereof.

Recovery and Application of Penalties.

CLXXX. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Rule, Regulation, Order, or Bye Law to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any Imprisonment, Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before One or more Justice or Justices of the Peace for the said City of *Exeter* and County of the same City, in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not (and which shall in every Case be made within Four Calendar Months at the farthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid the said Justice or Justices shall summon the Party or Parties accused, and such Witness or Witnesses as may by such Justice or Justices be thought proper or necessary, and examine into the Matter thereof; and if, upon Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, (whether the Party or Parties accused be present or absent,) the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in

in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided for by this Act) the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices, (which he and they is and are hereby empowered and required to grant,) be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale, if any, upon Demand, to the Party or Parties whose Goods and Chattels shall be distrained, the whole of which Penalties not herein directed to be otherwise applied shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the Purposes of this Act, (save and except in the Cases where the said Commissioners shall be subject or liable to any Penalties under this Act, the Application of which Penalties is not herein-before provided for, in which Case the said Penalties shall be paid to the Treasurer for the Time being of the *Exeter* Dispensary, for the Use and Benefit of that Charity); and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Six Days from the taking any Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to any such Justice or Justices, either upon the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Chattels whereon such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, can be levied, were such Distress or Warrant to be issued, such Justice or Justices shall not be required to issue the same, and thereupon it shall be lawful for the said Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said City and County of the same, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months, or unless such Offender or Offenders shall have sooner fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs attending

attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law; and if any Person charged with any Offence against this Act shall refuse to disclose his or her Name, the necessary Proceedings may be had against him or her before any Justice or Justices of the Peace, for any Penalty or Penalties imposed by this Act, by a Description of his or her Person, and the Offence committed, without there being any Necessity for stating his or her Name.

Justices may mitigate Penalties.

CLXXXI. Provided always, and be it further enacted, That it shall be lawful for the Justice or Justices of the Peace by or before whom any Party or Parties shall be convicted in any of the Penalties imposed or to be imposed by virtue of this Act, or of any Bye Law, Rule, Order, or Regulation to be made in pursuance or under the Authority of this Act, from Time to Time to mitigate, compound, or lessen any of the said Penalties in any Case where it should appear to such Justice or Justices right and proper so to do.

Form of Conviction.

CLXXXII. And for the more easy and speedy Conviction of Offenders against this Act, or against any Bye Law, Order, Rule, or Regulation to be made in pursuance or by the Authority of this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good; (that is to say,)

'Exeter, to wit. } BE it remembered, That on the Day of in the Year of our Lord is [*or* are, *as the Case may be*,] convicted before me, [*or* us, *as the Case may be*,] of His Majesty's Justices of the Peace for the City of *Exeter*, of having [*here state the Offence, and the Time and Place when and where the same was committed*,] contrary to an Act [*or* contrary to a Bye Law duly made in pursuance of an Act, *as the Case may be*,] passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [*here insert the Title of this Act*], for which Offence I [*or* we, *as the Case may be*,] do adjudge the said to have forfeited the Sum of *or* to be committed to for [*as the Case may be*]. Given under my Hand and Seal [*or* our Hands and Seals, *as the Case may be*], the Day and Year first above written.'

Justices empowered to administer Oaths.

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

CLXXXIV. And

For securing transient Offenders.

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

Penalty on Witnesses summoned and not appearing.

CLXXXV. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, or against any Bye Law, Rule, Order, or Regulation as aforesaid, either on behalf of the Prosecution or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs or Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse to be examined on Oath, (or, being a Quaker or Quakers, on solemn Affirmation,) which Oath or Affirmation any Justice or Justices of the Peace is and are hereby expressly authorized and required to administer in all Cases whatsoever where the Provisions of this Act require the Oath or Affirmation of the Witness or Witnesses to be had in any Proceedings before such Justice or Justices, and to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Distress not to be unlawful for Want of Form.

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

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

CLXXXVII. 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 or under the Authority of this Act, unless Notice in Writing shall have been given to

to the Defendant or Defendants, Thirty Days before such Action shall have been commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends, in Money or otherwise, shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall be made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall be advised, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Persons aggrieved may appeal to the Commissioners, and to Two Justices of the Peace.

CLXXXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, or any other Matter or Thing, to be made or done in pursuance of the said recited Acts or this Act, or any of them, he, she, or they may appeal to the said Commissioners at one of their Meetings, provided that such Appeal be made within Three Calendar Months next after such Rate shall have been demanded, or other Cause of Complaint shall have arisen; and the said Commissioners may examine the Appellant or Appellants, or any Witness or Witnesses, touching or concerning the Matter of such Appeal, and grant or refuse Relief to the Person or Persons appealing or not, and make such Order therein, as to them shall seem meet: Provided always, that if upon any Appeal so to be made to the said Commissioners by any Person or Persons, by reason of such Person or Persons considering himself, herself, or themselves aggrieved, if such Person or Persons shall be dissatisfied with the Decision of the said Commissioners, it shall be lawful for such Person or Persons to bring the Matter before any Two Justices of the Peace for the said City and County of *Exeter*, who are hereby empowered and required to examine the Appellant or Appellants, or any Witness or Witnesses, on Oath, and to decide upon the Matter of such Complaint.

Appeal.

CLXXXIX. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made, amended, or demanded, or by any Rule, Bye Law, or Order, or other Matter or Thing, which shall be made or done in pursuance of this Act, and if any Person or Persons shall be dissatisfied with the Determination of the said Justices or Commissioners therein, or if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rule, Bye Law, or other Order, Judgment, or Determination of the said Justices or Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other Thing done in pursuance of this Act, (save and except in such Cases where any Order, Judgment, or Determination is herein directed to be final or conclusive, and save and except in such Cases for which any particular Method of Relief is herein appointed,) such Person or Persons may appeal to the Justices of

of the Peace at any General Quarter Sessions of the Peace to be holden for the City and County of the City of *Exeter* within Six Calendar Months next after the Cause or Causes of Complaint shall have arisen, or at any Adjournment of such Sessions, the Person or Persons appealing first giving or causing to be given to the Person or Persons appealed against, and to the Clerk to the said Commissioners, Thirty Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Fifteen Days next after such Notice entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Session or Adjournment thereof; and the Justices at the said Session or Adjournment thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall be levied in pursuance of such Rule, Order, Regulation, Judgment, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall think reasonable; and the Determination of the said Justices shall be binding and conclusive to all Intents and Purposes.

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

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

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

CXCI. Provided always, and be it enacted, That in any Appeal from the said Rates or Assessments, or any of them, to be made for the Purposes of this Act, the Justices at the General Quarter Sessions to be holden for the said City of *Exeter* and County of the same or any Adjournment thereof, or the Justices at the General Quarter Sessions of the Peace to be holden for the County of *Devon* or any Adjournment thereof, as the Case may be, shall and may amend the same in such Manner as may be necessary for giving Relief,

Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon Appeal from the whole Rate or Assessment it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for such Justices to order a new Rate or Assessment to be made in manner herein directed.

Inhabitants may be Witnesses.

CXCII. And be it further enacted, That no Person shall, in any Action, Prosecution, Information, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of this Act, or being one of the Commissioners for putting this Act into execution, or holding any Office or Employment under such Commissioners.

No Proceeding to be removed by Certiorari.

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

Commissioners may reward Informers.

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

Limitation of Actions.

CXCV. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from the Fact committed; and every such Action or Suit shall be brought and tried in the City and County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Thirty Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the

Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or, upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover full Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

This Act not to extend to the Fish, Green, and Corn Markets.

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

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

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

For preserving the Rights of the Mayor, Bailiffs, and Commonalty.

CXCVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, diminish, or affect the Right of the Mayor, Bailiffs, and Commonalty of the said City to hold Markets and Fairs within the said City, or the Right of the said Mayor, Bailiffs, and Commonalty of the said City, or any of their Officers or Servants, to make, erect, set, or place Booths, Stalls, Benches, Forms, and other Things within any Market Places, Streets, or other public Places on Market Days, or during the usual Times of holding any Fair or Fairs within the said City, or the Right of the said Mayor, Bailiffs, and Commonalty of the said City to any Rents, Tolls, Duties, or Profits whatsoever heretofore paid to them for or in respect of any Markets or Fairs, or of any Booths, Stalls, Benches, Forms, or other Things to be there erected, set, or placed as aforesaid, or the Right of the said Mayor, Bailiffs, and Commonalty of the said City to the Ground and Soil of the Streets, Lanes, and Passages within the said City, or any Powers vested in the said Mayor, Bailiffs, and Commonalty, by Charter or otherwise, of making Bye Laws, Acts, or Ordinances for the better Government of the said City and the Inhabitants thereof, or the Rights of the said Mayor, Bailiffs, and Commonalty of the said City to maintain, keep up, and regulate the Waterworks of the said City for providing the Inhabitants with Water, and of removing and altering the Reservoirs, Tunnels, Pipes, and Trunks for the better conveying Water throughout the City, or any Right, Royalty, Privilege, Liberty, or Authority belonging to the said Mayor, Bailiffs, and Commonalty as Lords of the Manor of *Exe Island*,

Island, or any other Right, Liberty, Franchise, Rent, Toll, Duty, Profit, or Privilege whatsoever belonging to the said Mayor, Bailiffs, and Commonalty of the said City not by this Act in express Terms and by express Words taken away, lessened, or diminished; but that the said Mayor, Bailiffs, and Commonalty of the said City shall and may continue to have, hold, and enjoy all such Rights, Liberties, Privileges, and Franchises, and to have, receive, and take all such Rents, Tolls, Duties, and Profits, in like Manner as they could or might or ought to have done in case this Act had not been made; subject nevertheless to the several Powers and Authorities expressly vested in the said Commissioners by this Act.

For preserving the Right of the Dean and Chapter to the Watercourse.

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

For preserving the Rights of the Mayor and Chamber to the Watercourse for supplying the Conduit.

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

For preserving the Rights of the Dean and Chapter.

CCI. Provided also, and be it enacted, That nothing in this Act shall extend or be construed to extend so as to take away, lessen, or diminish any Right, Property, Soil, Liberty, Power, Privilege, or Franchise of the Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter* within the Manor and Fee of *Saint Sidwell*, nor any other Right, Liberty, Soil, Property, Power, Privilege, or Franchise of or belonging to the said Dean and Chapter within the said City and County of the same, but that all such Rights, Liberties, Soil, Property, Power, Privileges, and Franchises shall remain and

and be exercised and enjoyed in as full and ample a Manner, to all Intents and Purposes, as if this Act had not been passed.

Public Act. CCII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which this Act refers.

To make a new Street or Way from near to the Barrack Gate in Howel Lane to Hill's Court, and thence to the Duke of York Inn in Saint Sidwell, and thence through Spiller's Lane to near Lower Summerland Place, all in the said City and County of Exeter.

Description of Premises.	Parish	Landowners.	Leaseholders.	Occupiers.
The Canteen, Court, Privy, and Wall of the Cavalry Barracks - -	Saint David	His Majesty's Government - -	- - -	Richard Tapper.
Pasture Field - -		Trustees of the Episcopal Charity Schools - -	- - -	John Clench.
Dwelling House and Lawn - -		Ditto - -	Joseph Hutchinson Esquire	Joseph Hutchinson Esquire.
Garden and Court -		John Hart Esquire -	- - -	John Hart Esquire.
Pasture Field -	Saint Sidwell	Ditto - -	- - -	Ditto.
Two Pasture Fields -		Dean and Chapter of Exeter -	William Crockett Esquire -	Charles Harris.
Pasture Field - -		John Hart Esquire -	- - -	George England.
Mail Coach Inn, Offices, Outbuildings, and Plot -		Dean and Chapter of Exeter - -	Messrs. White and Crockett	John James Lawless.
Two Cottages -		Ditto - -	Ditto -	John Granger and John Willey.
Dwelling and Shop, Court, Two Cots, Stable, and Garden, at the Head of Spiller's Lane -		Elizabeth Tapley; Charlotte Tapley, and James Blunden	- - -	John Spratt, Josiah Willey, William Greenslade, John Luxton, and Richard Southard.
Shop and Dwelling -		Elizabeth Tapley, Charlotte Tapley, James Blunden, and Isaac Spratt	- - -	Jane Thorn, William Damerel, and William Anstey.
Three Dwellings and Courts - -		William Wood -	- - -	Ann Ramster, John Small, Robert Selley, William Halse, John Coker, and Thomas Jones.
Garden - -		Richard Southard and John Brannan	Esther Brannan	Esther Brannan.
Linhays, &c. - -		William Nation Esquire and Codrington Parr Esquire -	- - -	Joseph Pratt.
Garden - -		John Sclater and Joseph Ward -	- - -	John Sclater and Joseph Ward.
Pasture Field -		William Nation Esquire and Codrington Parr Esquire	- - -	Joseph Pratt.
Two Gardens -		Mayor and Chamber of Exeter -	Anna Cox and John Cox -	Frederick Wait.
Part of a Garden -		Trustees of Webb's Charity - -	John Sclater and Joseph Ward	John Sclater and Joseph Ward.
Part of Ditto - -		Feoffees of Saint Sidwell - -	Ditto -	Ditto.

Description of Premises.	Parish.	Landowners.	Leaseholders.	Occupiers.
Infant School, Buildings, Court, and Offices	Saint Sidwell	Mayor and Chamber of Exeter	Anna Cox and John Cox	Trustees of the Infant School.
Court and Offices of the Axminster Inn		Feoffees of Saint Sidwell	Robert Hellier	Robert Hellier.
Pasture Field		Corporation of the Poor of Exeter	Executors of William Hooper	William and Henry Hooper.

To make a new Street or Way from Paris Street, on the South Side thereof, to the Heavitree Road near Summerland Place aforesaid.

Garden	Saint Sidwell	C. Chichester Esquire, Rev. Edwin Eascot, Wm. Kingdon Esquire		John Sweetland.
Dwelling House, Court, Outbuildings, Linhays, &c.		Ditto		Ditto.
Pasture Field, Garden		Ditto		Ditto.
Pasture Field, Ditto		Ditto		Anna Sweetland.

To make a new Street or Way from the Fore Street near the Plough Inn, and thence by the Butchers Arms, into Guinea Street, and from thence to Rock's Lane, all in the same City and County.

Dwelling House and Two Shops in Fore Street	Saint Olave	Thomas Mack		Thomas Mack and Edward Piper.
The Plough Inn, Brewhouse, Sheds, Court, and Offices		William Stephens	Joseph Brutton	Thomas Tapp.
Butcher's Shop in Fore Street		Ditto		George Manning.
Four Rooms over Part of the Premises belonging to the Plough Inn		Ditto		Susannah Finnimore, Elizabeth Batt, Sarah Capell, Elizabeth Bates.
Butcher's Shop and House		Ditto		William Red.
Ditto		William Crockett Esquire		Thomas Slocomb.
Ditto		Thomas Slocomb		Elizabeth Glass.
Two Dwellings and Court	Saint George	George Taverner		Thomas Sanders, Thomas Best, and George Taverner.
Court and Buildings		John Spark		John Spark.
The Butchers Arms Inn, Brewhouse, Court, and Offices		Right Honorable Lord Rolle	Joseph Sayell	Elizabeth Bowditch.
The Golden Lion Inn and Dwelling House	Saint Mary Major	Edward Ellis		John Skinner.
Dwelling House and Court, Slaughter House, Blacksmith's Shop, and Coal House	Saint Mary Major and Saint George	James Partridge		James Patridge, William Red, John Hoopell, James Benham.
Malthouse	Saint George	William Carter		William Carter.
The Mermaid Inn, Court, &c.	Saint Mary Major	J. C. Willcocks	Benjamin Salter	William Southcott.
The Mermaid Yard, Dwelling House, Lofts, Waggon Office, Cellars, and Garden		John Francis		Thomas Bury.

Description of Premises.	Parish.	Landowners.	Leaseholders.	Occupiers.
Two Dwelling Houses in Paragon Place, Courts and Gardens - -	Saint Mary Major	William Downe -	- - -	Miss Ellis and Mr. Hooper.
Several Dwelling Houses and Court		Henry Powning -	- - -	Richard Parish, R. Carswell, Thomas Baker, James Collicott, Richard Scowin, Abraham Kingdon.
Dwelling House, Court, and Lofts		Dean and Chapter of Exeter - -	J. P. Rodier -	J. P. Rodier.

To make a new Street or Way from the Fore Street Hill, on the South Side thereof, across the Top of Stepcote Hill, to and across the First and Second Back Lanes, Rock's Lane, and Quay Lane, to the Friars, all in the same City and County.

Dwelling House, Shop, Building behind, and Court	Saint John	Lady Freemantle -	- - -	Sarah Paul.
Dwelling House, Shop, Building behind, and Court		Ditto - -	- - -	George Buckland.
Dwelling House, Shop, and Court -		John Buckland -	- - -	Abraham Hart.
Building behind -		Ditto - -	- - -	George Buckland.
Bakehouse and Loft -		George Buckland -	- - -	Ditto.
Dwelling House, Shop, and Court -		Thomas Cooper' -	- - -	Philip Hancock.
Dwelling House and Shop - -		George Buckland -	- - -	John Weeks.
Several Dwellings and Shop - -		Samuel Rudall -	- - -	Ann Rouse, George Berry, Samuel Blackler, Ann Williams, Samuel Rudall, and John Gillard.
Dwelling House and Shop - -		Late Wm. Cooper's Trustees -	- - -	John Ford.
Two Dwellings -	Saint George	Grace Southard -	- - -	Grace Southard and Charles White.
Ditto - -		Robert Cooper -	- - -	Charles Good and Sarah Good.
Two Dwellings and Cellar - -		Frost, of Tiverton, Druggist -	- - -	Anna Brinley, James S. Taylor, Thomas Board.
Dwelling House -	St. Mary Major	William Pim -	- - -	William Densham.
Three Crowns Public House - -		Philip Hancock -	- - -	Stephen Compton.
Dwelling House -		William Ellis -	- - -	Barnett Hooper.
Ditto - -		Thomas Edmonds -	- - -	Samuel Harrod.
Taylors Arms Public House - -		Thomas Tothill -	- - -	Thomas Tothill.
Two Dwelling Houses and Shops in the First Back Lane, Court, and Linhays, and Two Dwellings in Second Back Lane -		Lady Freemantle -	- - -	Richard Pillman, James Madge, Elizabeth How.
Dwelling Houses, Court, and Buildings - -		Executors of —— Tucker - -	- - -	George Westlake.

Description of Premises.	Parish.	Landowners.	Leaseholders.	Occupiers.
Dwelling Houses in First Back Lane, and another in Stone's Court -	St. Mary Major	- - - -	- - -	James Rowden, Mary Ann Hussey, Mary Goffat, and Charles Williams.
Dwelling House -		Robert Cooper -	- - -	Elizabeth Cobley.
Ditto - -		Mrs. Knox - -	- - -	Ann Chapple.
Two Shops, Cellar, and Room over -		James Brooks and Son	- - -	James Brooks and Son.
Several Dwellings, Courts, and Gardens - -		T. W. Horrell -	- - -	Samuel Woodley, One void, Thomas Barber, John Venn, John Martin, J.W. Gourlay.
Ditto - -		George Horrell -	- - -	Thomas Gordon, William Rookes, Joseph Barber, John Bennett, William Hines, John Lloyd, William Coles, John Perry, Abraham Quicke, William Walls, William Bloomfield, Thomas Bray, Thomas Ripley.
Several Dwellings, Courts, and Workshops - -		Hugh Facey - -	- - -	William Braddon, Samuel Reid, Robert Collicott, Edward Pitham, Matthew Frost, John Lock, William Rew, James Jones, John Hill, Robert Greenslade.
Three Dwellings, House, and Garden		Custos and College of Vicars Choral of Exeter Cathedral	- - -	Elizabeth Richardson, Joseph Gibbs, Pender Wilcocks.
Dwelling House and Court - -		Lady Freemantle -	- - -	Sarah Sugg and others.
Several Dwellings, Courts, Yard, and Press-shops -		John Allen - -	- - -	William Deane, Joseph Martin, Edward Southwood, John Allen, Henry Pyle, William Hore, John Binham.
Dwelling House and Shop - -		Grace Kent - -	- - -	John Smale.
Fullers Arms Public House, Court, Garden, and Offices -		Francis Channing -	- - -	Samuel Back.
Duke of York Public House, Court, Garden, and Offices -		John Manley - -	- - -	John Manley.
Dwelling House, Court, Garden, Press-shops, and Butcher's Shop -		Philip Mugford -	- - -	Philip Mugford, George Masters.
Garden - -		James Pitman -	- - -	James Pitman.
Ditto - -		William Campion -	- - -	Davey.
Garden, and Part of the Town Walls -	Holy Trinity	George Hirtzel Esq. and the Mayor and Chamber of Exeter - -	Geo. Hirtzel Esq.	Geo. Hirtzel Esquire.
Skittle Alley & Cellar under - -		Mayor and Chamber	Joseph Ratcliffe	Robert Badcock.

Description of Premises.	Parish.	Landowners.	Leaseholders.	Occupiers.
Several Cottages -	Holy Trinity	Mayor and Chamber -	Joseph Hicks	Thomas Growdell, Maria Marwood, William Cawsey, John Bastin, Benjamin Denford, Atkins, Hooper, and Binmore, Richard Gale, Richard Ward, John Davey, Rich. Lawrence, Henry Taylor, and Sarah Adams.
Garden - - -		Ditto - -	Anna Cox -	Thomas Meyrick.
Several Cottages, Cellar, and Court		Robert Cornish -	- - - -	Philip Hitchcock, John Greenslade, William Brailey, Joseph Beedle.
Three Dwellings, Cottage, Gardens, Linhays, and Court		Thomas Hatch -	- - - -	Thomas Hatch, John Bennett, William Mear.
Three Gardens -		William Kingdon Esquire - -	Joseph Hicks	William Kingdon Esquire.

To make a new Street or Way from Howell Lane aforesaid, across a Close belonging to Mr. Harding, to join an intended new Road from Belmont Lodge to Longbrook Street in the same City and County.

Pasture Field - -	Saint David	William Harding -	- - -	William Harding.
Great Berry Meadow		Corporation, for the Poor of Exeter -	- - -	Ditto.
Little Berry Meadow		Ditto - -	- - -	John Moreman.

To widen and otherwise improve the Street from the Crown and Sceptre Inn in North Street to the Top of Saint David's Hill, and to make a new Street or Way diverging therefrom to an intended new Road on the Southern Side thereof.

Dwelling House and Shops - -	Saint Paul -	Joel Bright - -	- - -	Joel Bright.
Crown and Sceptre Inn and Offices -	Saint David -	William Tucker and Henry Pitt Batt -	- - -	William Tucker.
Dwelling House -	Ditto -	Executors of Mrs. Downman -	- - -	Silas Weeks.
Two Dwelling Houses	Ditto -	Thomas Toby -	- - - -	Thomas Toby and John Wood.
Dwelling House and Shop - -	Ditto -	William Ellis -	- - - -	William Ellis and Edward Turner.
Dwelling House & Smith's Shop -	Ditto -	Elizabeth Caryl -	- - - -	Elizabeth Caryl.
Dwelling House -	Ditto -	Ditto - -	- - - -	John Davey.
Dwelling Houses, Courtlage, &c. -	Saint David	Trustees of Hannah Godfrey -	- - -	Thomas Eyres, Lucy Clarke, Henry Channing, Henry Jones, George Maunder.
Three Houses and Court - -		William Godfrey -	- - - -	Thomas Dymond, Charles Searle, John Godsland, William Lears.
Dwelling House -		Isaac Wilmot -	- - - -	John Stanlake.
Several Dwellings, Court, and Shops -		William Cobley -	- - - -	William Cobley, Charity Morrish, John Moxhay, John Blackmore, John Hutchings, William Hallum.

Description of Premises.	Parish.	Landowners.	Leaseholders.	Occupiers.
Stable and Court -	Saint David	Trustees of late William Hicks -	Rev. I. Wyndham	Robert Bryett.
Several Dwellings and Court - -		John Spyring - - - -		John Brewer, Susan Fulford, Ann Snell, James Brewer, Maria Bennett, Mary Heard, John Keen, William Brookland, William Underhill, Samuel Baker, Elizabeth Vicary, William Brown, William Morrish.
Smith's Shop, Dwelling House, &c. -		Richard Cruise - - - -		Richard Cruise.
Three Dwellings, a Cottage, and Garden - -		John Scott - - - - -		John Scott, William Edwards, John Hurst, Samuel Bull.
Shop, Court, and Workshops -		Mrs. Gullett -	Philbert Roberts	John Toll.
Dwelling House, Shop, Bakehouse, Court, and Garden - -		Francis Salter - - - - -		Francis Salter.
Dwelling House and Shop - -		Samuel Roberts - - - - -		Thomas Coles.
Dwelling House, Shop, and Garden		William Horwood - - - -		William Horwood.
Dwelling House and Court - -		Samuel Roberts - - - -		Heber Hellett.
Dwelling House, Garden, and Shed -		John Hart Esquire -	Edred Chapple	Edred Chapple.
Garden - -		Ditto - - -	- - -	Robert Davey.
Pasture Field - -		Trustees of late William Hicks -	Rev. I. Wyndham	R. F. Taylor.
Nursery - -		C. R. Sanders Esq. and E. L. Sanders Esq.	- - -	James Turner.

To widen Bedford Lane leading from the High Street into Bedford Circus in the said City, or to make and form a new Street from the High Street to Bedford Circus aforesaid.

Dwelling House, Shop, Bakehouse, and Court -	Saint Stephen	J. W. Abbott Esq. -	- - -	Frederick Townsend.
Dwelling House -		John Snow - -	- - -	John Snow.
Dwelling, Shop, and Premises in Fore Street, Dwelling House in Bedford Street - -		John Skinner -	- - -	John Skinner & George Pearse.
Stables and Court belonging to the Hotel - -		Reverend H. C. Colton	- - -	Sarah Street.
Dwelling House and Shop in Fore Street		Thomas Wood -	- - -	William Woolcott and George Anderson.

Description of Premises.	Parish.	Landowners.	Leaseholders.	Occupiers.
To make a new Street or Road from the new Road now forming from Southernhay, by the Barn Field, to Magdalen Terrace.				
Garden - -	Holy Trinity, Saint Sidwell, and Extra-parochial	Trustees of Magdalen Charity, John Gidley Esq. -	Rich. Collins Esq. John Gidley Esq.	Mrs. Drake, John Patch, John Gidley Esq.
Pasture Field -	Saint Sidwell -	C. Chichester Esq., Rev. Edwin Eastcott, and Wm. Kingdon Esq. -	- - -	In hand.
Spinning Ground and Linhays - -	Extra-parochial	Trustees of Magdalen Charity -	Rich. Collins Esq.	John Thomas.
Pasture Field -	Ditto -	Ditto - -	Ditto -	Joseph Barrett.
Dwelling House and Gardens - -	Saint Sidwell -	Mayor and Chamber of Exeter - -	Major J. N. May	Major J. N. May.
Pasture Field -	Ditto -	C. Chichester Esq., Rev. Edwin Eastcott, and Wm. Kingdon Esq. -	- - -	John Matthews.
To build a new Bridge over the Mill Leat leading from the Bonhay to Exe Island, and widen and improve the Approach therefrom to Exe Island, all in the County of the City of Exeter.				
Two Gardens -	Saint Edmund	Mayor and Chamber -	George Copp -	Samuel Brown and Elizabeth Baker.
Railings in front of his House -		George Copp -	- - -	George Copp.
Bow Window -		Mayor and Chamber -	Anna Cox -	John Holman.
Dwelling House and drying Linhay -		Trustees of the Blue Maids Hospital -	George Copp -	John Leakey and George Copp.
Railings around the open Part of the Exe Island -		Churchwardens of Saint Edmund -	- - -	Churchwardens of Saint Edmund.

So many and such Parts of the Houses, Buildings, and Lands on the Southern Side of a certain Street in the said City of Exeter called the High or Fore Street, from and including a Dwelling House and Shop in the Occupation of James Pasmore, on the South Side of the said Street, to and including a Dwelling House and Shop, now unoccupied, but belonging to John Western Snell, on the same Side of the said Street, as will be necessary to make and form that Part of the said Street of a Width equal to the widest Part of the High or Fore Street.

So many and such Parts of Two Dwelling Houses or Buildings, and the Lands situate on the Eastern Side of the Entrance to the Cathedral Yard called Broad Gate, in the said City of Exeter, now in the Occupation of the said John Western Snell and Thomas Hourston, as will be necessary to make and form that Portion of the said Entrance lineable with the other Part thereof.

So much and such Parts of the Houses, Buildings, and Lands on both Sides of a certain Street called South Street, in the said City of Exeter, from the Eastern End of Guinea Street adjoining South Street aforesaid to the Termination of the said Street towards High Street, as will be necessary to make and form that Portion of the said Street called South Street of the Width of Fifteen Yards.

So many and such Parts of the Houses, Buildings, and Lands on the Eastern Side of a certain Street or Way called Saint David's Hill, in the said City and County, and including a Public House called the Pack Horse Inn, in the Occupation of Elizabeth Elmore, on the same Side, to and including Two Cottages

Cottages and Gardens at the Western End of Howell Lane, in the Occupation of Richard Radford and William Allen, as will be necessary to form the said Street or Way called Saint David's Hill of the Width of Fifteen Yards.

So much and such Parts of Three Dwelling Houses, Shops, and Premises on the South Side of Saint Sidwell Street in the said City and County as will be necessary to make the said Street lineable from an Inn called the White Horse Inn, to the Corner of a Dwelling House and Shop in the Occupation of Thomas Matthews, all in Saint Sidwell Street aforesaid.

So much and such Parts of the Dwelling House, Buildings, and Lands on both Sides of a certain Street called Rock's Lane or Coomb Street, in the said City, from the Entrance thereof at and from South Street aforesaid to and including a certain Waggon Shed next adjoining, and below the White Hart Inn Yard, in the Occupation of John Cook, William Jefford, and others, on the South Side of the said Street, and so many and such Parts of the Dwelling Houses, Buildings, and Lands on the same Side of the said Street, from and including a Dwelling House and Cellar in the Occupation of Joseph Payne, and thence to and including a Dwelling House on the same Side of the said Street, in the Occupation of Betty Pocock and William Baker, at the Corner of Quay Hill, as will be necessary to make and form that Part of the said Street of a Width equal to the present Width of the widest Part of the said Street.

So much and such Part of a Dwelling House and Premises in the Occupation of John Cooke and Robert Loram, on the Eastern Side of a certain Way called Quay Hill, in the said City, and of the Town Walls adjoining, as may be sufficient to set back the Corner at that Part of the said Street Eight Feet.

The Dwelling Houses, Buildings, and Lands on the Western Side of West Street in the said City and Quay Hill aforesaid (being a Continuation of West Street), from and including a Smith's Shop on the Western Side of the said Street, in the Occupation of William Middleton, to a Dwelling House on the Western Side of Quay Hill aforesaid adjoining to Quay Gate, in the Occupation of William Dale, James Thomas, and John Lowden, as will be necessary to make the said Street of the Width of Fifteen Yards.

So much and such Parts of the Dwelling Houses, Buildings, and Lands on both Sides of a certain Street in Exeter called the Butcher Row or Smythen Street, from and including a Dwelling House on the North Side of the said Street in the Occupation of Robert Camp, and on the South Side of the said Street, from and including a Dwelling House opposite to the said Dwelling House occupied by Robert Camp, in the Occupation of James Allen, to and including a Dwelling House on the North Side of the said Street in the Occupation of William Griffin, and to and including a Dwelling House on the South Side of the said Street in the Occupation of James Webber Havill, as will be necessary to make and form that Portion of the said Street aforesaid of the Width of Seven Yards.

So much and such Parts of Three Houses, Buildings, and Lands on the East Side of a certain Street in Exeter called Milk Lane, in the Occupations of William England, John Cockram, and John Carswell, as will be necessary to make the said Street of a Width of Seven Yards.

So many and such Parts of the Houses, Buildings, and Lands on both Sides of a certain Street or Lane called George's Lane, in Exeter aforesaid, from and including a Dwelling House in the Occupation of John Foster, on the South Side of the said Street, to and including a Dwelling House and Shop in the Occupation of the said John Foster, as will be necessary to make the said Street or Lane of the Width of Four Yards.

So many and such Parts of the Houses, Buildings, and Lands on the South Side of a certain Street or Way called Sun Lane, in Exeter aforesaid, from and including a Dwelling House in the Occupation of Samuel May to and including a Dwelling House in the Occupation of Robert Taylor, and so much and such Parts of Dwelling Houses, Buildings, and Lands on the North Side of a certain Street or Way called First Back Lane, (being a

Continuation of the said Street called Sun Lane,) from and including a Dwelling House or Inn called the Dolphin Inn, in the Occupation of Samuel Funchard, to a Dwelling House on the same Side of the said Street in the Occupation of Richard Matthews and William Pascoe, as will be necessary to make the said Street called Sun Lane, and the said Street called the First Back Lane, of the Width of Nine Yards.

So many and such Parts of Two Dwelling Houses, Buildings, and Lands situate on the Western Side of a certain Street called Bartholomew Street, in the said City of Exeter, in the Occupation of Robert Westlake and Thomas Cooper, as will be necessary to make and form the said Street of the Width of Eight Yards.

So much and such Parts of Two Cottages and Buildings, and Lands, on the South Side of Saint Sidwell's Street, opposite to Saint Anne's Chapel, from and including the Scite of the Old Manor Pound, in the Occupation of Charles Hubbard, to and including Two Dwelling Houses in the Occupation of John Braily and George Tucket, as will be required to make the said Street lineable with the Parts thereof immediately contiguous.

So much and such Parts of the Lands on the East Side of a certain Street or Way leading from Longbrook Street to Hill's Court in the said City of Exeter, from and including a certain Close of Land in the Occupation of John Tolcher to and including another Close of Land in the Occupation of John Hart Esquire, as will be necessary to make and form that Portion of the said Way of the Width of Fourteen Yards.

So much and such Parts of the Dwelling Houses, Buildings, and Lands on the Western Side of a certain Passage or Way in Exeter called Parliament Street, from and including a Dwelling House and Shop fronting in the Fore Street, in the Occupation of John Mann and others, to and including a Stable, Cellar, and Loft fronting in Theatre Lane, in the Occupation of William Osmond, on the same Side of the said Passage, as will be necessary to make and form the said Passage of the Width of Eight Feet.

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