ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 109.

An Act for repairing the Pariſh Church of *Saint Sidwell*, in the City and County of the City of *Exeter*. [20th *May* 1812.]

WHEREAS the Pariſh Church of *Saint Sidwell*, in the County of the City of *Exeter*, is a very ancient Fabric, and the ſaid Church and the Tower thereof are in Parts ſo decayed, and in ſuch a ruinous Condition, that it is become dangerous for the Inhabitants to attend Divine Service therein; and it is neceſſary that the ſame ſhould be repaired and improved: And whereas, for doing the neceſſary Repairs and other Requiſites to the ſaid Church and Tower, it will require a conſiderable Sum of Money to be raiſed, which cannot be done without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Vicar and Churchwardens for the Time being, and *William Beal*, *Henry Blackall*, *John Thomas Blunt*, *John Coombe*, *Hubert Corniſh*, *Hugh Mydleton Ellicombe*, *Jonathan Furlong*, *Edward Gattey*, *James Hooper*, *Samuel Langſton*, *John Lucomb*, *John Luke*, *John Macdonald*, *James Newcombe*, *Matthew Noſworthy*, *James Pearce*, *James Roſs*, *Edward Lloyd Sanders*, *Robert Taylor*, and *James Wake*, ſhall be and they are hereby appointed Truſtees for carryingt his Act into Execution. Truſtees.

Power to appoint new Truſtees on Death, Refuſal to act, or Removal.

II. And be it further enacted, That when any or either of the ſaid Truſtees herein-before named, or to be appointed as herein-after mentioned, (except ſuch Perſons as are declared to be Truſtees by virtue of their Situation or Office), ſhall die or refuſe to act, or ſhall remove out of the City and County of the City of *Exeter*, for the Space of Twelve Calendar Months, the Inhabitants of the ſaid Pariſh in Veſtry to be aſſembled, ſhall at a Veſtry Meeting to be held for that Purpoſe, of which Meeting Notice ſhall be given, as herein-after is mentioned, appoint another Perſon, being an Inhabitant of the ſaid Pariſh, in the Room or Place of each Truſtee ſo dying, refuſing to act, or removing as aforeſaid, and every ſuch Truſtee ſo to be appointed ſhall have full Power in all Things to carry this Act into Execution, as if he had been appointed a Truſtee in and by this Act: Provided always, that no Perſon ſhall act as a Truſtee as aforeſaid who ſhall be intereſted in any Contract under this Act.

Truſtees to be of the Eſtabliſhed Church.

III. Provided alſo, and be it further enacted, That every Truſtee hereafter to be appointed in purſuance of this Act, ſhall be a Member of the Eſtabliſhed Church of *England*, and ſhall have taken or take the Sacrament of the ſaid Church within Six Calendar Months either before or after he ſhall be appointed a Truſtee.

No Act valid, unleſs at a public Meeting.

IV. And be it further enacted, That no Act, Order, or Reſolution of the ſaid Truſtees ſhall be valid, unleſs done or made at ſome public Meeting to be held purſuant to the Directions of this Act; and at all ſuch Meetings, the Acts, Orders, and Reſolutions of the major Part of the Truſtees preſent, (the Number of Truſtees preſent at ſuch Meeting not being leſs than Five), ſhall have the ſame Force and Effect as if done or made by all the ſaid Truſtees; and that where at any Meetings, the Number of Voices ſhall be equal, the Chairman to be appointed at each ſuch Meeting ſhall have another or the caſting Voice.

Firſt Meeting.

V. And be it further enacted, That the ſaid Truſtees ſhall meet in the Veſtry Room of the ſaid Pariſh, on the Firſt *Monday* after the paſſing of this Act, or as ſoon as conveniently may be, to put this Act in Execution, and ſhall and may adjourn from Time to Time, to ſuch Place or Places within the ſaid Pariſh of *Saint Sidwell*, as they ſhall think proper.

Quarterly Meetings.

VI. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby authorized and required to hold Four Meetings in the Year on the Days following; (that is to ſay), on the Firſt *Monday* in the ſeveral Months of *January*, *April*, *July*, and *October* in every Year; and the ſaid Truſtees, or any Five or more of them, although not aſſembled at a Meeting, ſhall at their Diſcretion, and they are hereby authorized and empowered, by Writing under their Hands, to direct the Clerk to call any other Meeting of the ſaid Truſtees for carrying this Act into Execution, and the ſaid Clerk ſhall give Notice thereof in Writing, ſpecifying the Purpoſe of ſuch Meeting, to be left for the ſaid Truſtees at their reſpective uſual Places of Abode, at leaſt Five clear Days previous to ſuch intended Meetings.

Acts, &c. of Truſtees to be entered in a Book.

VII. And be it further enacted, That all the Acts, Orders, Reſolutions and Proceedings of the ſaid Truſtees, ſhall be entered and ſigned by the ſaid Clerk in a Book or Books to be kept for that Purpoſe, which Book or Books may be produced and read in Evidence in all Courts and Places whatſoever;

whatſoever; and that all Receipts, Payments, Debts, Credits, and Minutes of Contracts, made by or with the Artificers or Workmen employed or to be employed in or about the repairing of the ſaid Church, or any Matter or Thing relating thereto, ſhall be written in ſome Book or Books to be kept for that Purpoſe, and to be from Time to Time and at all convenient Times, open to the Inſpection and Peruſal of any Perſon or Perſons who ſhall be then liable to pay Rates or Aſſeſſments by virtue of this Act.

May appoint Officers.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to appoint a Treaſurer or Treaſurers, and a Clerk, and alſo to appoint and employ ſuch other Perſon or Perſons as may be neceſſary for the Purpoſes of this Act, and may from Time to Time remove any ſuch Treaſurer or Treaſurers, Clerk, or other Perſons ſo to be appointed as aforeſaid, as they ſhall think proper, and appoint others in the Room or Stead of any ſuch Officers ſo removed or dying, or declining to act; and the ſaid Truſtees may, out of the Monies to be raiſed under or by virtue of this Act, make ſuch Allowances to ſuch Perſon or Perſons reſpectively, as they ſhall judge a reaſonable Compenſation for their reſpective Trouble and Services.

Security to be taken.

IX. Provided always, and be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſufficient Security from every ſuch Treaſurer or Receiver to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his Office, and if they ſhall think proper, may alſo take ſuch Security from any other Officer to be appointed under or by virtue of this Act.

Treaſurer to account.

X. And be it further enacted, That the ſaid Treaſurer or Treaſurers ſhall from Time to Time, when required by the ſaid Truſtees, deliver and give in a particular, true, and perfect Account in Writing, under his or their Hand or Hands, to the ſaid Truſtees, and verify the ſame on Oath, (which Oath the ſaid Truſtees or any or either of them are and is hereby empowered to adminiſter), of all ſuch Monies which he or they ſhall have reſpectively received and paid by virtue of this Act, and ſhall from Time to Time, when thereto required by the ſaid Truſtees, by Notice in Writing under their Hands, pay all ſuch Monies as ſhall be in his or their Hand or Hands to the ſaid Truſtees, or to ſuch other Perſon or Perſons as they ſhall, by Writing under their Hands, authorize to receive the ſame.

Truſtees may ſue and be ſued in the Name of their Treaſurer.

XI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name or Names of the Treaſurer or Treaſurers for the Time being to be appointed under this Act, and that no Action which ſhall be brought or defended by or againſt the ſaid Truſtees, or any of them, in relation to this Act, in the Name or Names of their Treaſurer or Treaſurers, ſhall abate or be diſcontinued by the Death or Removal of ſuch Treaſurer or Treaſurers, or by the Act of ſuch Treaſurer or Treaſurers, without the Conſent of the ſaid Truſtees; but the Treaſurer or Treaſurers for the Time being ſhall always be deemed Plaintiff or Plaintiffs, or Defendant or Defendants in every ſuch Action (as the Caſe may be): Provided always, that every ſuch Treaſurer or Treaſurers ſhall be reimburſed out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Damages and Expences, as by the Event of any ſuch Action or Proceeding he or they ſhall be put unto, or ſhall become charged and chargeable with, by reaſon of his or their being ſo made Plaintiff or Plaintiffs, or Defendant or Defendants.

Indemnity to Truſtees.

XII. Provided always, and be it further enacted, That all and every the Truſtees herein-before named, and hereafter to be appointed, ſhall from Time to Time, and at all Times hereafter, be fully indemnified, from and out of the Monies to be raiſed under this Act, of and from all Coſts, Charges, Damages and Expences, which they or any of them, or their Treaſurer or Treaſurers as aforeſaid, ſhall or may ſuſtain or be put unto for or by reaſon of any Action, Suit, or other Proceedings, which may be had, ſued, commenced or proſecuted, againſt them, any or either of them, for any Matter or Thing which may be by him or them reſpectively legally done in or about the Execution of this Act, and the Truſts repoſed in him or them under the ſame.

Enabling the Truſtees to order Repairs, make Contracts, &c.

XIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall or may, and they are hereby authorized and empowered, at any Meeting or Meetings to be held in purſuance of this Act, to give Orders for and to direct the doing of all and every ſuch Reparations of the Pariſh Church of *Saint Sidwell* aforeſaid, and of the Tower thereof, and for doing all ſuch other Matters and Things relative to the Repair and Improvement of the ſaid Church and Tower as they ſhall think proper; and to make any Contract or Contracts with any Perſon or Perſons for effecting ſuch Repairs and Improvements, and generally to make and do all ſuch other Matters and Things as they ſhall think proper and neceſſary, fully and effectually to carry this Act into Execution.

Regulating Pews.

XIV. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees do and ſhall cauſe the Pews and Seats in the ſaid Church to be ſet out and arranged in a more commodious Manner than they are at preſent, and do and ſhall order and diſpoſe of the ſame among the Inhabitants of the ſaid Pariſh, in ſuch Manner as they the ſaid Truſtees ſhall in their Diſcretion think proper, (ſave and except ſuch Pews and Seats as are ſituate in the Chancel of the ſaid Church, which are to be in the Diſpoſal of the Vicar for the Time being, or ſuch other Pews or Seats for which any Faculty ſhall or may have been had or obtained), the ſaid Truſtees allowing ſuch of the Inhabitants as now have Pews or Seats to chooſe Pews or Seats as near their preſent Seats as may be, ſo as no Inhabitant do thereby have more Seats or Space allotted him or her than are or is ſufficient for the Number of his or her Family uſually attending Divine Service at one Time; and do and ſhall ſet out and appropriate the remaining Seats or Sittings for the poor Inhabitants of the ſaid Pariſh who do not pay to the Church Rate, and do and ſhall order and diſpoſe of the ſame Seats or Sittings from Time to Time between ſuch poor People; and before the ſaid Truſtees ſhall make any ſuch Diſpoſitions of the Pews or Seats, they ſhall cauſe one Week's public Notice to be made in the ſaid Pariſh of their Intention to make ſuch Diviſion, in order that the Inhabitants paying to the Church Rate may have an Opportunity of making or ſending in their Claims to the Truſtees; and the Order and Diſpoſition made by the ſaid Truſtees, after ſuch Notice, ſhall be final and concluſive: Provided alſo, that it ſhall and may be lawful to and for the ſaid Truſtees, at any Time or Times if they ſhall think proper, but at their Diſcretion only, to fix a Rate on each Seat or Sitting, (excepting the Seats or Sittings in the Chancel, or of the Poor who do not pay to the Church Rate), ſo as that ſuch Rate do not exceed the annual Sum of Seven Shillings for the Sittings of each Perſon; and ſuch Rates ſhall be raiſed, and Payment compelled, in the ſame Manner as

as the Church Rate is hereby directed and empowered to be raiſed, and ſhall be added to and form Part of the Church Rate, and paid and applied accordingly: Provided alſo, that until the Monies to be raiſed under this Act ſhall be fully paid and ſatisfied, the ſaid Truſtees do and ſhall from Time to Time order and diſpoſe of all and every Pews or Seats, Pew or Seat, that may hereafter become vacant, at ſuch Rents as they ſhall think proper, not exceeding the Sum of Seven Shillings for each Sitting; and when the Monies to be raiſed under this Act ſhall have been fully paid and ſatisfied, then the Vicar, Churchwardens and Inhabitants in Veſtry to be aſſembled, ſhall have the Diſpoſal and ordering of every Pew or Seat that may from Time to Time become vacant; any Uſage or Cuſtom in the ſaid Pariſh to the contrary notwithſtanding.

Rates to be made.

XV. And be it further enacted, That it ſhall be lawful for the Churchwardens of the ſaid Pariſh for the Time being, by the Order and Direction of the ſaid Truſtees, and they are hereby required from Time to Time, whenſoever the ſaid Truſtees ſhall find it neceſſary (according to the uſual and accuſtomed Mode), to rate and aſſeſs all and every the Inhabitants, and all other Perſons who do or ſhall occupy or enjoy any Lands, Houſes or other Tenements or Hereditaments within the ſaid Pariſh, (except the Vicar of the Pariſh for the Time being, in reſpect of Vicarial Tythes), in any Sum of Money, not exceeding the Rate of Two Shillings in the Pound in any one Year of the yearly Value of ſuch Lands, Houſes or other Tenements or Hereditaments, as the ſame ſhall be aſſeſſed to the Poor's Rate within the ſaid Pariſh; and that the Monies to ariſe from ſuch Rates and Aſſeſſments ſhall be and are hereby veſted in the ſaid Truſtees for the Purpoſes of this Act, and ſhall be collected by the Churchwardens of the ſaid Pariſh for the Time being, and the Money ſo to be collected ſhall from Time to Time be paid by the reſpective Churchwardens into the Hands of the Treaſurer to the ſaid Truſtees, and ſuch Rates ſhall take Place and become payable from the Twenty-fourth Day of *June* One thouſand eight hundred and twelve, and continue for and during ſuch Time as any of the Monies to be borrowed, or Annuities to be granted upon the Credit of this Act, as herein-before is mentioned, ſhall remain owing or have Continuance, and no longer: Provided always, that the Rate or Aſſeſſment to be made by virtue of this Act, in or for any Year, ſhall continue in Force, and ſhall be collected and recovered in and for every ſubſequent Year, until the Churchwardens of the ſaid Pariſh for the Time being ſhall, by the Order and Direction of the ſaid Truſtees, make a new Rate or Aſſeſſment by virtue of this Act, in like Manner as if the Churchwardens, by the Direction aforeſaid, had made ſuch Rate or Aſſeſſment in and for every ſuch ſubſequent Year.

Rates where Houſes are let to ſeveral Families.

XVI. And be it further enacted, That every Perſon being Landlord or Tenant, who ſhall let his or her Houſe in ſeparate Apartments, or ready furniſhed, to any Lodger or Lodgers, or for any leſs Term than One Year, ſhall, for the ſeveral Purpoſes of this Act, be deemed and taken to be the Occupier thereof, and may be rated and aſſeſſed accordingly.

Application of the Monies raiſed, and for paying the Expences of the Act.

XVII. And be it further enacted, That all and every the Monies to be raiſed and received by virtue of this Act, ſhall be applied in the firſt Place in paying and defraying the Charges and Expences of the obtaining and paſſing of this Act, and the Remainder of ſuch Monies ſhall from Time to

to Time be applied in carrying this Act into Execution, and in paying the Intereſt of the Principal Monies ſo to be borrowed by virtue of this Act, or otherwiſe, as they the ſaid Truſtees ſhall think proper, and in paying the Annuities to be granted by virtue of this Act (if any); all ſuch Payments to be made by the Treaſurer or Treaſurers, on an Order in Writing under the Hands of the ſaid Truſtees, or any Five or more of them.

Surplus Monies to be veſted in the Funds.

XVIII. And be it further enacted, That all the Surplus Monies that ſhall from Time to Time remain in the Hands of the ſaid Treaſurer or Treaſurers after ſuch Payments made as aforeſaid, ſhall, under the Direction of the ſaid Truſtees, be laid out and inveſted in Government Securities, at Intereſt, in the Names of the Vicar of the ſaid Pariſh for the Time being, and any Three or more of the ſaid Truſtees, and the accumulating Intereſt and Dividends thereof ſhall from Time to Time be laid out and inveſted in like Manner, and ſo from Time to Time, until thereby or otherwiſe a ſufficient Fund ſhall be raiſed whereby to pay off and diſcharge all Monies ſo to be borrowed by virtue of this Act, and the Intereſt thereof, and all Expences and Charges attending the Execution of this Act: Provided always, that it ſhall be lawful for the ſaid Truſtees from Time to Time, in caſe they ſhall think proper, inſtead of laying out and inveſting ſuch Surplus Money, or continuing the ſame at Intereſt as aforeſaid, to apply ſuch Surplus Money, and ſell and diſpoſe of the Government Securities, whereon the Monies may be inveſted by virtue of this Act, and apply the ſame in Payment and Diſcharge of the Monies ſo to be borrowed by virtue of this Act, as far as the ſame will extend and occaſionally accrue.

Power to borrow Money and aſſign the Rates as a Security.

XIX. And, for the more ſpeedy raiſing Money for the Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding the Sum herein-after mentioned, upon the Credit of the Rates or Aſſeſſments to be granted in Manner herein-after mentioned, and by any Writing under their Hands and Seals to mortgage and aſſign over the ſaid Rates or Aſſeſſments to the Perſon or Perſons who ſhall advance or lend ſuch Money, or his, her, or their Truſtees, as a Security for the Money ſo to be borrowed, together with legal Intereſt for the ſame; and every ſuch Aſſignment ſhall be in the Words or to the Effect following; *videlicet*,

Form of Aſſignment.

'BY virtue of an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled [*An Act for repairing the Pariſh Church of* Saint Sidwell, *in the City and County of the City of* Exeter] We, Three of the Truſtees appointed by virtue of the ſaid Act, in Conſideration of the Sum of advanced and lent by to the Treaſurer appointed in purſuance of the ſaid Act, upon the Credit and for the Purpoſes of the ſaid Act, do grant and aſſign unto the ſaid his Executors, Adminiſtrators and Aſſigns, ſuch Proportion of the Rates and Aſſeſſments ariſing by virtue of the ſaid Act, as the ſaid Sum of doth or ſhall bear to the whole Sum which is or ſhall be borrowed upon the Credit of the ſaid Act; to be had and holden from this Day of until the ſaid Sum of with Intereſt at Five Pounds *per Centum per Annum* for the ſame, to be paid ſhall be repaid and ſatisfied. In Witneſs whereof we have hereunto ſet our Hands and Seals, this Day of in the Year of our Lord'

XX. Provided

XX. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think it adviſable to raiſe all or any Part of the Money neceſſary for the Purpoſes of this Act, by the granting of Annuities for Lives, then it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the Treaſurer to the ſaid Truſtees, any Sum or Sums of Money for the abſolute Purchaſe of any Annuity, to be paid and payable during the natural Life of each ſuch Contributor, or the natural Life of ſuch Perſon as ſhall be nominated by or on Behalf of ſuch Contributor, ſo as that no ſuch Annuity do exceed the Rate of Fifteen Pounds for every One hundred Pounds for the Year; and the Grant of every ſuch Annuity ſhall be in the Words or to the Effect following; *videlicet*, Or by Annuities.

'WE, of the Truſtees appointed by or in purſuance of an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled *An Act for repairing the Pariſh Church of* Saint Sidwell, *in the City and County of the City of* Exeter, in Conſideration of the Sum of paid by to the Treaſurer appointed in purſuance of the ſaid Act, do hereby grant unto the ſaid and his Aſſigns, an Annuity or Yearly Sum of out of the Rates or Aſſeſſments ariſing by virtue of the ſaid Act; which Annuity or yearly Sum of ſhall be paid to the ſaid or his Aſſigns, at or upon the Day of in every Year during the natural Life of the ſaid [*or*, of his Nominee] and the firſt Payment thereof ſhall be made upon the Day of next enſuing the Day of the Date of theſe Preſents. In Witneſs whereof we have hereunto ſet our Hands and Seals, the Day of in the Year of our Lord

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And every ſuch Grant ſhall be good, valid, and effectual in the Law; and every Annuity ſo to be granted as aforeſaid ſhall be and is hereby charged upon, and ſhall be payable and paid out of the ſaid Rates or Aſſeſſments.

XXI. And be it further enacted, That it ſhall be lawful for the Perſon or Perſons entitled to any of the ſaid Securities granted as aforeſaid, by Writing under his or their Hand and Seal, or Hands and Seals indorſed thereon, to transfer the ſame to any Perſon or Perſons, in the Words or to the Effect following; *videlicet*, Manner of transferring Securities.

'I do hereby transfer the within Mortgage [*or*, Grant of Annuity] and all my Right and Title in and to the Principal Money and Intereſt [*or*, Annuity] and all Arrears now due thereon, thereby ſecured unto his Executors, Adminiſtrators, and Aſſigns. Dated the Day of in the Year of our Lord

' Form of Transfer.

And Entries or Memorials of all Mortgages or Aſſignments, and Grants of Annuities, which ſhall be made in purſuance of this Act, and of all Transfers thereof, expreſſing, in Words at length, the reſpective Names, Additions, Places of Abode, and other proper Deſcriptions of all ſuch Perſons as ſhall from Time to Time be entitled to the Principal and Intereſt on the Annuities thereby reſpectively ſecured, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, to which

Book

Book all Perſons intereſted ſhall at all ſeaſonable Times have Acceſs, and ſhall have Liberty to inſpect the ſame without Fee or Reward, and for each Entry of every ſuch Aſſignment the ſaid Clerk ſhall be paid Five Shillings and no more; and every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security to be thereby transferred; and all Perſons to whom ſuch Mortgages or Aſſignments or Grants of Annuity ſhall be made, or who ſhall be entitled to the Money thereby ſecured, ſhall be, in Proportion to the Sums therein reſpectively mentioned, Creditors on the ſaid Rates or Aſſeſſments equally one with another, without any Preference in reſpect to the Priority of advancing ſuch Money, or the Dates of any ſuch Mortgages or Aſſignments, or Grants of Annuity.

Limiting the Sum ſo to be raiſed, and Notice to be given of the Intention of borrowing ſuch Money.

XXII. Provided nevertheleſs, and be it further enacted, That no greater Sum in the Whole than Five thouſand Pounds ſhall be raiſed by Loan or Mortgage, and by the Sale or granting of Annuities as aforeſaid; and that before any ſuch Money ſhall be borrowed or Annuity granted, Fourteen Days Notice ſhall be given in ſome Newſpaper publiſhed in the City and County of the City of *Exeter*, or ſome adjoining County, ſignifying the Intention of borrowing ſuch Money or granting ſuch Annuities.

Churchwardens to account.

XXIII. And be it further enacted, That every Churchwarden of the ſaid Pariſh who ſhall collect or receive any of the Monies ariſing by the ſaid Rates or Aſſeſſments ſhall, as often as thereunto required by the ſaid Truſtees, or any Five or more of them, deliver in Writing under his Hand to the ſaid Truſtees, or unto ſuch Perſon or Perſons as they ſhall appoint, a true and perfect Account, and ſhall verify the ſame on Oath (which Oath the ſaid Truſtees are hereby empowered to adminiſter), of all Money which ſuch Churchwarden ſhall have collected and received, and ſhall pay unto the Treaſurer all the Monies in his Hands; and if any ſuch Churchwarden ſhall refuſe or neglect to collect and receive the Sums to be rated and aſſeſſed by virtue of this Act, or to account for the Money in his Hands as aforeſaid, he ſhall for every ſuch Refuſal or Neglect forfeit and pay any Sum not exceeding Ten Pounds, which Penalty, and alſo the Money in the Hands of any ſuch Churchwarden, and which he ſhall refuſe or neglect to pay as aforeſaid, ſhall be levied and recovered by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid City and County of *Exeter*, directed to any Perſon or Perſons, by Diſtreſs and Sale of the Goods and Chattels of the Perſon refuſing or neglecting as aforeſaid, rendering the Overplus (if any) on Demand, to the Owner of ſuch Goods and Chattels, after the Charges of ſuch Diſtreſs and Sale are deducted and paid, and which Warrant any and every ſuch Juſtice is hereby empowered to iſſue and grant.

Recovery of Rates.

XXIV. And be it further enacted, That if any Perſon ſhall refuſe or neglect to pay the Sum or Sums of Money for which he or ſhe ſhall be rated or aſſeſſed by virtue of this Act, for the Space of Fourteen Days after the ſame ſhall become payable as aforeſaid, and after Demand in Writing delivered to or left at the uſual Place of Abode of ſuch Perſon, then and in every ſuch Caſe it ſhall be lawful for any Churchwarden of the ſaid Pariſh, and he is hereby authorized and required to levy the ſame, together with the Arrears of any former Rates, by Diſtreſs and Sale of the Goods and Chattels of every Perſon refuſing or neglecting to pay as aforeſaid, by

virtue of a Warrant under the Hands and Seals of any Two Juſtices of the Peace for the ſaid City and County of *Exeter*, which Warrant ſuch Juſtices are hereby empowered and required to grant upon Proof made upon Oath before them of ſuch Demand and Non-payment as aforeſaid, rendering the Overplus (if any) on Demand, to the Owner of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and it ſhall be lawful for ſuch Juſtices to grant any Warrant of Diſtreſs as aforeſaid, and to do any other Act as Juſtices in the Execution of this Act, notwithſtanding they ſhall be Truſtees for putting this Act in Execution.

Proceedings not to be quaſhed for want of Form.

XXV. And be it further enacted, That no Order, Conviction, Judgment, Warrant, or other Proceedings to be had or made in purſuance of this Act, ſhall be quaſhed or vacated for want of Form, and that in all Caſes 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 *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by any ſuch Irregularity ſhall recover Satisfaction for the ſpecial Damages in an Action upon the Caſe; but no Plaintiff ſhall recover in any Action for ſuch Irregularity, Treſpaſs, or other wrongful Proceeding, by virtue of this Act, if before ſuch Action is brought Tender of ſufficient Amends ſhall be made by or on Behalf of the Party or Parties who ſhall commit, or cauſe to be committed, ſuch Irregularity, Treſpaſs, or wrongful Proceeding; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action or Actions, by Leave of the Court wherein ſuch Action or Actions ſhall be brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall think fit, whereupon ſuch Proceedings, Order and Judgment, ſhall be made and given in and by ſuch Court, as in other Actions wherein the Defendant is allowed to pay Money into Court.

Appeal.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing to be done in purſuance of this Act, it ſhall be lawful for ſuch Perſon or Perſons to appeal to the Juſtices of the Peace at any Quarter Seſſions to be holden for the ſaid City and County of *Exeter*, who are hereby authorized and empowered to ſummon and examine Witneſſes upon Oath, and to hear and determine the Matter of ſuch Appeal, ſuch Appeal being made within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, and the Perſon or Perſons appealing giving Ten Days Notice at leaſt in Writing of his, her, or their Intention of appealing as aforeſaid, and of the Matter and Cauſe thereof, to the Churchwardens for the Time being of the ſaid Pariſh, and within Five Days next after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid City and County of *Exeter*, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of ſuch Seſſions, and pay ſuch Coſts as ſhall be made and awarded thereon by the Juſtices at ſuch Seſſions; and ſuch Juſtices, upon hearing and finally determining the Matter of ſuch Appeal, ſhall and they are hereby authorized and required to award ſuch Coſts to the Party or Parties appealing or appealed againſt as they ſhall think proper, and their Determination in the Premiſes ſhall be final and concluſive upon all Parties to all Intents and Purpoſes.

Limitation of Actions.

XXVII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, until Thirty Days Notice ſhall be given of the Cauſe thereof in Writing to the Clerk of the ſaid Truſtees for the Time being, nor after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed, for which ſuch Action or Suit ſhall be ſo brought; and every ſuch Action or Suit ſhall be brought, laid, and tried in the City and County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial or Trials which ſhall be had thereupon; and if the Matter or Thing ſhall appear to have been done under or by virtue of this Act, or if it ſhall appear that the Suit was brought before Thirty Days Notice thereof given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become Nonſuit, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers in any ſuch Action or Actions, Judgment ſhall be given for the Defendant or Defendants therein, then, and in any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant hath for Coſts of Suit in any other Caſes by Law.

Public Act.

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

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