ANNO SEXTO

GULIELMI IV. REGIS.

****

Cap. lix.

An Act for better paving, lighting, watching, and improving the Town of *Teignmouth* in the County of *Devon*, and for supplying the Inhabitants thereof with Water. [7th *June* 1836.]

WHEREAS the Town of *Teignmouth* in the County of *Devon* hath greatly increased in Population and Extent of Buildings, and hath become a Place of great Resort for Visitors and the Public, but nevertheless the Streets, Lanes, and other public Passages and Places in the said Town are not properly paved, cleansed, lighted, or watched, and are subject to various Encroachments, Obstructions, Nuisances, and Annoyances, and are very incommodious and unsafe for Travellers and Passengers; and it would therefore be advantageous to the Inhabitants of the said Town and to the Public resorting thereto if Powers were granted for paving, lighting, watching, repairing, widening, cleansing, and otherwise improving the said Streets, Lanes, and other public Passages and Places in the said Town, and removing Projections, Obstructions, and Encroachments, and preventing Nuisances and Annoyances, and maintaining sufficient Sewers and Drains within the said Town, and preserving the Peace and good Order therein: And whereas the Inhabitants of the said Town are not conveniently or sufficiently supplied with Water for domestic Use, and it is therefore expedient that Aqueducts, Reservoirs, and other necessary Works should be constructed for

better supplying them with Water from certain Streams arising in and running through the several Parishes of *East Teignmouth*, *West Teignmouth*, and *Bishopsteignton*, or some or one of the said Parishes: And whereas the several Objects herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Eighteen Persons named in the Schedule marked (A.) to this Act annexed, and their Successors to be from Time to Time elected in manner herein-after provided, shall be Commissioners for carrying this Act into execution, and shall be called "The Commissioners for the Improvement of the Town of *Teignmouth*."

Commissioners appointed to carry this Act into execution.

Limits of the Town for the purposes of this Act.

II. And be it enacted, That the Limits of the said Town of *Teignmouth* shall for all the Purposes of this Act be deemed and taken to comprise the several Parishes of *East Teignmouth* and *West Teignmouth*, and all Places which may be locally situated within the Boundaries of the said Parishes or either of them, whether the said Places shall be extra-parochial or be Part or Parcel of any other Parish or Parishes, and shall extend to the Low-water Mark in all Parts in which the said Parishes or either of them abut upon or are washed by the Sea or the River *Teign*; and wherever in this Act the Words "Town of *Teignmouth*," shall occur or be referred to, the whole of the aforesaid Limits shall be deemed and taken to be intended and understood, unless it shall be in any Case otherwise specially provided.

Annual Election of Commissioners.

III. And be it enacted, That on the First *Tuesday* in the Month of *September* which shall be in the Year One thousand eight hundred and thirty-seven, and on the First *Tuesday* in the Month of *September* in every succeeding Year, a Meeting shall be held at some convenient Place within the said Town of *Teignmouth* of the Persons qualified as herein-after is provided to vote in the Election of Commissioners for carrying this Act into execution, for the Purpose of electing Commissioners to supply the Places of those who shall in each Year go out of Office by Ballot and Rotation as herein-after mentioned respectively, and that the Persons who for the Time being shall be such Commissioners shall, at least Ten Days before such Meeting, cause public Notice to be given of the Time and Place at which the said Meeting will be held.

Qualification of Electors.

IV. And be it enacted, That at all the said Meetings for the Election of Commissioners every Male Person of full Age, being an Occupier of Land or of any House or Building, or of both Land and a House or Building, within the said Town of *Teignmouth*, rateable under this Act, of the clear yearly Rent or Value of Ten Pounds at the least, or being in his own Right or in Right of his Wife the Owner and in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Land, or of any House or Building, or of both, held in Fee, or for any Term of Years determinable on a Life or Lives, or for any absolute Term or Terms of Years which at the original Creation thereof shall not have been less than Five hundred Years, within the said Town of *Teignmouth*, rateable under this Act of the like clear yearly Value of Ten Pounds at

the least, shall be deemed and taken to be qualified to vote in the said Election: Provided always, that notwithstanding such Qualification no Person shall be entitled to vote at any such Election unless the Land or House or Building in respect or in right of which he shall claim to be qualified as aforesaid shall be duly assessed and charged in the last Rate which shall have been made for the Purposes of this Act under the Powers herein-after contained, nor unless such Person shall have paid all such Rates (if any) as shall have become payable by him under this Act at the Time of such Election, except such as shall have been made or become due within One Calendar Month immediately preceding such Election.

For regulating the Number of Votes each Person shall be entitled to give.

V. And be it enacted, That each of the Persons qualified and entitled as aforesaid to vote in the Election of Commissioners, and on any other Question arising under and in pursuance of this Act, (except in the Execution of their Office of Commissioners, and in any Matter in which it shall be otherwise specially provided,) shall be entitled to give the same Number of Votes in every such Election or other Question as is provided for Persons entitled and qualified to vote under and by virtue of an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act for the Regulation of Parish Vestries*, that is to say, that every such Person shall be entitled to give One Vote for every Twenty-five Pounds of annual Rent, Profit, or Value for and in respect of which he shall be so assessed and charged as herein-before mentioned, but so nevertheless that no Person shall be entitled to give more than Four Votes, and in Cases where Two or more Persons shall be jointly assessed or charged as aforesaid each of them shall be entitled to vote according to the Proportion and Amount borne by him of the joint Charge. 58 G. 3. c. 69.

Proceedings at Meetings for Election of Commissioners.

VI. And be it enacted, That at such Meetings respectively the said Persons so assembled shall and may proceed to the Election of Six Persons, being duly qualified according to the Provisions of this Act, to be Commissioners to supply the Places of those who shall then go out of Office by Ballot or Rotation, as herein-after mentioned, and at all such Meetings a Chairman shall and may be appointed, who, upon an Equality of Votes on any Question (including the Vote of such Chairman), shall have the decisive or casting Vote as Chairman; and the Manner of giving each and every Vote in the Election of such Commissioners at every such Meeting shall be the same as is provided in an Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, for the Election of Councillors under the said Act, or as near thereto as may be consistent with the Provisions of this Act. 5 & 6 W. 4. c. 76.

Penalty on Persons voting not being duly qualified.

VII. And be it enacted, That in case any Person or Persons not qualified to vote in manner aforesaid shall vote or attempt to vote at any such Election, or shall offer false Votes, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each and every such Offence, which Forfeitures shall be recovered and applied in manner herein-after directed.

Commissioners to go out of Office by Ballot.

VIII. And be it enacted, That the said Eighteen Commissioners hereby appointed shall continue in Office, if they shall so long live and continue qualified

qualified as herein-after is provided, until the said First *Tuesday* in the Month of *September* One thousand eight hundred and thirty-seven, and that from and after the said First *Tuesday* in the Month of *September* One thousand eight hundred and twenty-seven Twelve of the said Commissioners shall in like Manner continue in Office until the First *Tuesday* in the Month of *September* One thousand eight hundred and thirty-eight, and that from and after the said last-mentioned Day Six of the said Twelve shall in like Manner continue in Office until the First *Tuesday* in the Month of *September* One thousand eight hundred and thirty-nine, which said last-mentioned Six shall on the said last-mentioned Day go out of Office; and in order to determine which of the said several Commissioners hereby appointed shall continue in Office at the several Times above mentioned, a Ballot shall be taken at a Meeting of the Commissioners to be held for that Purpose Seven Days at the least before the Day for electing Commissioners to supply the Places of those who shall go out of Office in each Year, and the Commissioners for the Time being shall forthwith give or cause to be given public Notice of the Names of the said Commissioners who by virtue of the said Ballot shall in that Year go out of Office.

Commissioners to go out of Office by Rotation.

IX. And be it enacted, That after the First *Tuesday* in the Month of *September* One thousand eight hundred and thirty-nine (when all the Persons hereby appointed will, under the Provisions herein-before contained, have gone out of Office,) then and from thenceforth Six of the Commissioners for executing this Act shall on the First *Tuesday* in the Month of *September* in each succeeding Year go out of Office by Rotation in the Order in which they shall have been elected, and Six Persons qualified as herein-after is provided shall be elected Commissioners in their Stead: Provided always, that it shall be lawful at any Meeting for Election of Commissioners as aforesaid to re-elect all or any of the Commissioners then going out of Office, or who may have gone out of Office in any previous Year, if they shall be then qualified as herein-after is provided to act as Commissioners.

For supplying occasional Vacancies in the Office of Commissioner.

X. And be it enacted, That if at any Time any of the Commissioners hereby appointed or hereafter to be elected shall die, or be or become disqualified, or shall for the Space of One Year refuse or neglect to act, such Death, Disqualification, Refusal, or Neglect being declared by and at a Meeting of the said Commissioners, then and in every such Case the surviving or remaining Commissioners assembled at any Meeting to be held or called under or by virtue of this Act shall nominate, elect, and appoint a fit Person or fit Persons, qualified as herein-after mentioned, to be a Commissioner or Commissioners in the Room or Stead of the Commissioner or Commissioners so dying, or being or becoming disqualified, or refusing or neglecting to act as aforesaid; and every Person so to be elected and appointed a Commissioner is hereby vested with the same Powers for putting this Act into execution as if he had been expressly named and appointed a Commissioner in and by this Act, but every Person so to be elected and appointed a Commissioner as last mentioned shall continue in Office only for such Period as the Commissioners so dying, or being or becoming disqualified, or refusing or neglecting to act, would have continued in Office.

XI. And

Qualification of Commissioners.

XI. And be it enacted, That no Person shall be qualified to act as a Commissioner for carrying this Act into execution unless he shall be an Occupier of Land or of a House or Building, or of both, or of some Tenement or Hereditament, within the said Town of *Teignmouth*, rateable under this Act, of the clear yearly Rent or Value of Fifty Pounds at the least, or shall be in his own Right or in Right of his Wife the Owner and in the actual Possession and Enjoyment or in the Receipt of the Rents and Profits of Land, or of a House or Building, or other Tenement or Hereditament, held in Fee, or for any Term of Years determinable on a Life or Lives, or for any absolute Term or Terms of Years which at the original Creation thereof shall not have been less than Five hundred Years, within the said Town, rateable under this Act, of the like clear yearly Rent or Value of Fifty Pounds at the least, nor unless he shall reside within the said County of *Devon*, nor during the Time he shall hold any Office or Place of Profit under this Act, nor if he shall be concerned or interested in any Contract or Bargain for supplying, selling, or performing any Article, Contract, or Thing to be employed, performed, or used for the Purposes of or under this Act, nor if he shall sell Beer, Ale, Cider, Wine, or any spirituous or other Liquors or Provisions by Retail, nor if he shall be a Victualler or Innkeeper, nor if he shall cease to be the Owner or Occupier of such Land, House, Building, Tenement, or Hereditament as aforesaid, nor if he shall be or become bankrupt or insolvent.

Commissioners not to act where personally interested.

XII. And be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act in any Case wherein he shall be personally interested, except as a Creditor on the Rents or Rates to be levied by virtue hereof.

Declaration to be made by Commissioners.

XIII. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering and receiving the Declaration herein-after mentioned) until he shall have made and subscribed before One of the said Commissioners (who is and are hereby empowered to administer and receive the same) a Declaration in the Words or to the Effect following; that is to say,

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I am really and *bonâ fide* in the actual Occupation of Land [*or* of a House *or* Building, *as the Case may be*,] situate within the Town of *Teignmouth* in the County of *Devon*, as the same is described in an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], of the clear yearly Value of Fifty Pounds, [*or* that I am *bonâ fide*, &c., *here set forth the Nature of the Qualification possessed by the Declarant, according to the Terms mentioned in this Act*,] and that I do reside within the County of *Devon*, and that I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*]; and I make this solemn Declaration conscientiously believing the same to be true.'

And an Entry or Minute of the making and subscribing such Declaration, and of the Time at which the same shall be made and subscribed, shall be written in the Book of Proceedings of the Commissioners herein-after

mentioned, and any Person who shall wilfully and corruptly make and subscribe any such Declaration knowing the same to be untrue in any material Particular shall be deemed guilty of a Misdemeanor.

Penalty on Persons acting as Commissioners not being qualified.

XIV. And be it enacted, That if any Person not qualified in manner herein-before mentioned to act as a Commissioner, or being under any of the Disqualifications herein-before mentioned, or not having made and subscribed the Declaration herein-before directed to be made and subscribed, or holding any Place or Office of Profit under or by virtue of this Act, or being in any way interested or concerned in any Contract to be made by virtue of this Act, or in any Work or Business to be done under the same, during the Time he shall hold any such Place or Office or be so interested or concerned as aforesaid, shall presume to act as a Commissioner in the Execution of the Powers hereby given or any of them, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds to any Person who shall sue for the same; and every Person so sued shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, together with full Costs of Suit, without any other Proof or Evidence being given on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; and no Person being a Commissioner for the Execution of this Act shall be capable of taking or entering into any Contract under this Act during the Time he shall be such Commissioner: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified, previously to a Verdict being obtained against him or them for so acting, shall, notwithstanding such subsequent Verdict, be as valid and effectual as if such Person or Persons had been duly qualified as aforesaid.

Justices may act in the Execution of this Act though Commissioners.

XV. And be it further enacted, That it shall be lawful for any Justice of the Peace for the said County of *Devon* to act as such in the Execution of this Act notwithstanding he may be a Commissioner under the same, and whether he may or may not have previously acted as such Commissioner, in any Case or Question which may be or may be liable to be afterwards brought or heard before him as such Justice, except in such Cases as are herein-after mentioned.

Commissioners may sue and be sued in the Name of their Clerk.

XVI. And be it further enacted, That the said Commissioners may sue or be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incidental to the obtaining and passing of this Act, in the Name of their Clerk for the Time being to be appointed in manner herein-after mentioned, or in the Name of any One of the said Commissioners; and no Action or Suit to be so brought or commenced by or against the Clerk or Commissioner shall abate or be discontinued by his Death, Removal, or Default, but shall be continued and carried on in his Name, and such Clerk or Commissioner shall be deemed Plaintiff or Defendant in such Action or Suit (as the Case may require): Provided always, that any such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall not by reason of his being such Clerk or Commissioner be rendered incompetent or inadmissible as a Witness in any such Action or Suit as aforesaid,

unless such Clerk or Commissioner shall be personally or individually interested or concerned therein.

Meetings of Commissioners.

XVII. And be it enacted, That the said Commissioners, or any Five or more of them, shall assemble and hold their First General Meeting at the Magistrates Room, or at some other convenient Place within the said Town of *Teignmouth*, on the Second *Tuesday* next after the passing of this Act, or any subsequent *Tuesday*, between the Hours of Nine and Eleven of the Clock in the Forenoon, and proceed to put this Act into execution; and afterwards a General Meeting of the said Commissioners shall be held for the same Purpose on the First *Tuesday* in every Calendar Month at the Place and between the Hours aforesaid, unless some other Place within the same Town or some other Hours shall from Time to Time be appointed by the said Commissioners; and the Commissioners present at such First or any subsequent Meeting may from Time to Time adjourn the same to the same or any other Place within the same Town; and if at any such Meeting there shall not be Five or more Commissioners then and there present within Half an Hour after the Time appointed for such Meeting, then the Commissioner or Commissioners assembled for the Purpose of any such intended Meeting may, if he or they shall think proper, adjourn such Meeting from Time to Time to the same or any other Place within the same Town; and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act at which Five Commissioners at least shall be present (except the calling and adjourning of Meetings as herein mentioned); and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at any Meeting to be held as aforesaid, the Number of Commissioners present at any such Meeting not being less than Five (except in Cases wherein any greater or less Number of Commissioners is by this Act particularly required for the doing of any Act or executing any of the Powers hereby vested in the said Commissioners); and at every such Meeting the first Business shall be the Election of a Chairman to preside at the same; and in all Cases where the Number of Votes, including the Chairman's Vote, upon any Question, shall be equal, the Chairman shall have the casting Vote; and the said Commissioners shall defray their own Expences at every such Meeting (except any Charge for the Use of the Room where such Meeting shall be held, which shall be paid out of the Monies to be received by virtue of this Act): Provided nevertheless, that it shall be lawful for the said Commissioners and they are hereby authorized to hold any Special Meeting, so that such Meeting shall be required by Five or more of the said Commissioners, and Notice thereof in Writing be given to or left with the Clerk to the said Commissioners to be appointed in manner herein-after mentioned, who shall thereupon give Three clear Days Notice in Writing at the least of such Special Meeting by causing a Copy of the same to be left at the House of each of the said Commissioners, specifying the Time, Place, and Object of such Meeting.

Proceedings to be entered in Books, which shall be Evidence.

XVIII. And be it enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all Orders and Proceedings of the said Commissioners relative to the Execution of this Act, together with the Names of

of the Commissioners who shall attend at each Meeting; and the Chairman of the Meeting at which such Orders or Proceedings shall be from Time to Time had or made, and the Clerk for the Time being to the said Commissioners, shall sign the same at such Meeting or at the next Meeting of the said Commissioners; and such Book or Books shall be open at all seasonable Times to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rents or Rates to be collected, levied, received, or taken in pursuance of this Act, without Fee or Reward; and such Orders and Proceedings so entered and signed by the Chairman of such Meeting or Meetings and by such Clerk as aforesaid shall be deemed and taken to be original Orders and Proceedings; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Grants of Mortgages and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts and Places whatsoever, in all Cases of Appeal, and in all Prosecutions, Examinations, Suits, and Actions whatsoever, before all Judges, Justices, and others.

Restriction as to revoking Orders.

XIX. And be it enacted, That no Order, Rule, Regulation, Act, or Proceeding made or done by the said Commissioners shall be revoked, altered, or suspended, unless at some subsequent Special Meeting to be required as aforesaid, of which Three clear Days Notice shall be given in the Manner herein-before mentioned for calling Special Meetings, expressing the Occasion of such Meeting.

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

XX. And be it 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 for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which any Sum or Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and every Creditor on the Rents and Rates by this Act authorized to be collected and made, and of every Person paying any such Rent or Rate, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds for each Default.

Accounts to be made out, examined, and settled yearly.

XXI. And be it enacted, That in the Month of *July* One thousand eight hundred and thirty-seven a true Account shall be made in Writing of all Monies received and paid by virtue of this Act during the Interval between the passing of this Act and the Thirtieth Day of *June* in the said Year, and that in the Month of *July* in every succeeding Year a true Account shall be made in Writing of all Monies received and paid by virtue of this Act during the preceding Year, ending upon the Thirtieth Day of *June* in every Year; and that at the Meeting which shall be held on the First

First *Tuesday* in the Month of *August* in every Year, or some Adjournment thereof, the said Account shall be produced, examined, and settled, and the said Commissioners shall at the Settlement of such Account cause a full and true Statement to be made and drawn out of all Rates and Assessments made, and of all Contracts entered into, and of all Monies received and paid under and by virtue of this Act during the preceding Year, and of all Debts then due and owing on account thereof: Provided always, that Seven clear Days Notice of such Meeting for the Purpose of passing such Account shall be given by affixing the same in some conspicuous Place or Places within the said Town, and also affixing a Copy of such Notice upon the Doors of the Parish Churches of *East Teignmouth* and *West Teignmouth* respectively, on the *Sunday* immediately preceding the Day of such Meeting; and all Persons rated as herein-after is provided to the Improvement Rate to the said Town, or having any Demands upon the said Commissioners in respect of any of the Works, Matters, or Things hereby authorized to be made or done, or being otherwise interested in the Examination and Settlement of the said Account, shall be at liberty to attend the said Meeting.

All Monies arising under this Act to be paid to the Treasurer, and no Sum to be disbursed by him without the Order of the Commissioners.

XXII. And be it enacted, That all Monies whatsoever which shall be raised and collected by Order of the said Commissioners, or which shall be borrowed by them for the Purposes of this Act, 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 some special Order in Writing, signed at a Meeting of such Commissioners to be held in pursuance of this Act, by the Chairman of such Meeting.

Commissioners to appoint Officers.

XXIII. And be it enacted, That the said Commissioners shall and they are hereby authorized from Time to Time to appoint a Treasurer, Clerk, Surveyor or Surveyors, and also a Collector or Collectors of the Rents, Rates, and Assessments herein-after named, and such Officers and Persons as they shall think necessary for the Execution of this Act, and to remove any such Officers and other Persons as they may think proper, and appoint others in their Stead, and pay such Salaries and make such Allowances to all Officers and Persons out of the Monies to be received by virtue of this Act as they the said Commissioners shall think reasonable.

Security to be given by Treasurer and Receivers.

XXIV. And be it enacted, That the said Commissioners shall take sufficient Security from their Treasurer for the faithful Execution of his Office, and also from such of the Collector or Collectors of the Rents and Rates to be received and made by them as they shall think necessary, for answering and paying all and every Sum and Sums of Money which shall be by him and them respectively received, in such Manner as the said Commissioners shall from Time to Time order, direct, and appoint, and also for his and their giving and making respectively true Accounts in Writing from Time to Time, when and so often as he or they respectively shall be ordered and required by the said Commissioners so to do, of all Monies by him or them respectively received or collected for the Purposes of this Act, and when, of whom, and on what Account such Monies were so collected.

Same Person not to be Clerk and Treasurer.

XXV. And be it enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or being as a Clerk or in any other Capacity in the Service or Employ of any such Clerk or of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or in any Capacity whatever in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, shall accept the Office of Clerk for the Purposes 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 or Office 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 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.

Officers to account.

XXVI. And be it enacted, That every Clerk, Treasurer, Surveyor, Collector, and other Officer and Person appointed by virtue of this Act shall under his Hand, and at such Time or Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or such Person as they shall appoint to receive the same, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Person received by virtue or for the Purposes of this Act, specifying how much thereof shall have been expended, and for what Purposes, together with proper Vouchers for such Payments, and also a List of the Names of all Persons who have neglected or refused to pay their respective Rents and Rates, and of the Monies due from them respectively; and every such Officer or Person shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall, for the Space of Fourteen Days next after Notice or Requisition in Writing from any Three or more of the said Commissioners, refuse or wilfully neglect to make and render such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person as they shall appoint to receive the same, all Books, Papers, and Writings in his Custody or Power relating to the Purposes of this Act, or to give Satisfaction to the said Commissioners or other such Person as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or by such Person as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid,

to

to any Justice of the Peace of the said County, or of the County, City, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Summons or Warrant at his Discretion, under his Hand and Seal, for the Officer or Person so refusing or neglecting to appear before such Justice, and upon such Officer or Person appearing, or having been so summoned and not appearing without some sufficient or reasonable Excuse, or not being to be found, it shall be lawful for the said Justice to hear and determine the Matter in a summary Way; and if upon Confession of the Party or Testimony of any credible Witness upon Oath, or Affirmation in any Case in which an Affirmation may by Law be received in lieu of an Oath, it shall appear to such Justice that any Monies remain due from such Officer or Person, such Justice may and he is hereby 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 or Person; and if no Goods and Chattels of such Officer or Person shall be found sufficient to pay and discharge 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 or Person had refused or wilfully neglected to render and give such Accounts, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Purposes of this Act remain in the Hands or in the Custody or Power of such Officer or Person, and he refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice shall and he is hereby required to commit such Offender to any Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Commissioners for such Monies, and shall have paid such Composition in such Manner as they may appoint, (which Composition the said Commissioners are hereby empowered to make and receive,) and until he shall deliver up such Books and Papers and Writings, or give Satisfaction respecting the same, to the said Commissioners or to such other Person as aforesaid; but no such Offender shall be kept or detained in Prison for Want only of sufficient Distress by virtue of this Act for any longer Term than Six Calendar Months: Provided also, that if any Money shall be due from such Officer or Person, his Commitment to Prison as aforesaid shall not (without the Consent of the said Commissioners) be deemed a Discharge for the same, nor exonerate the Surety or Sureties for such Officer or Person, but such Officer or Person and his Surety or Sureties shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

For recovering Books, &c. from Executors and Assignees of Officers dying or becoming bankrupt.

XXVII. And be it enacted, That in case of the Death of any such Officer or other Person to be appointed as aforesaid, or of his becoming bankrupt or insolvent, before he shall have delivered up all Books, Papers, Writings, and other Things concerning the Office or relating to the Purposes of this Act, then and in every such Case the Executors or Administrators of such Officer or other Person, or the Assignee of his Estate and Effects, or other Persons possessing the same or in whom the same shall have been vested, shall deliver up to the said Commissioners, or any Person appointed by them all such Books, Writings, Papers, and other

other Things; and in case of Non-delivery of such Books, Papers, Writings, and Things for the Space of Seven Days after the same shall be demanded, it shall be lawful for the said Commissioners to commence and prosecute any Action or Actions, Suit or Suits, in any of His Majesty's Courts of Record at *Westminster*, against such Executors, Administrators, or Assignees, or other Person or Persons possessing the Estate and Effects which did belong to such deceased or bankrupt or insolvent Officer, or other Person, for Recovery of Damages in lieu of such Books, Papers, Writings, and Things, together with full Costs of Suit.

Officers not to take Fees or Rewards.

XXVIII. And be it enacted, That if any Person who shall be employed as Treasurer, Clerk, Collector, or Surveyor, or any other Officer or Servant employed by the said Commissioners for the Purposes of this Act, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards as are appointed by this Act, or shall be appointed, allowed, or approved of by the said Commissioners, for or on account of any thing done or to be done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any Account whatsoever relative to his Employment or Duty, or shall or in anywise be concerned or interested in any Bargain or Contract made or to be made by the said Commissioners, every such Person so offending shall be incapable afterwards of serving or being employed under this Act, and shall forfeit and pay any Sum not exceeding Twenty Pounds for each Offence.

Committees may be appointed.

XXIX. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time as often as they shall think proper to select and appoint out of their own Body One or more Committee or Committees (each to consist of Five or more Persons) to investigate, transact, and manage such Particulars, Matters, or Departments of Business as shall be referred to each such Committee, and each such Committee shall have full Power and Authority to do all Matters and Things whatsoever which the said Commissioners shall from Time to Time intrust to its Management; and the Members of such Committee shall meet at such Times and in such Places within the said Town as they shall think proper; and all Powers which shall be vested in each such Committee shall be exercised by the major Part present at each Meeting, and each Committee shall from Time to Time report its Proceedings to the said Commissioners; but the Acts of no such Committee shall be valid unless ratified and confirmed by the said Commissioners at some One of their Meetings to be held under this Act; and each such Committee shall be altered, removed, or discontinued when and as often as the said Commissioners shall from Time to Time order or direct.

Commissioners not to be personally liable.

XXX. And be it enacted, That nothing in this Act, or in any Deed, Mortgage, Contract, or Agreement by this Act authorized to be entered into or made by or on behalf of the said Commissioners for any of the Purposes of or in execution of this Act, shall extend to charge or affect the Person or Persons of any of the said Commissioners, or their Clerks, Treasurers, or other Officers, or any of them, (authorized by the said Commissioners to act in their Behalf,) who shall have executed any such Deed, Mortgage, Contract, or Agreement, or the Heirs, Executors, or Administrators of any such Commissioner, Clerk, Treasurer, or Officer,

or their or any of their Lands and Tenements, Goods and Chattels, with or on account of the Performance of all or any of the Covenants, Conditions, Matters, or Things in the same Deed, Mortgage, Contract, or Agreement contained or mentioned on the Part of any such Commissioners, Clerk, Treasurer, or other Officer, but the Amount of all Damages, Costs, Charges, and Expences which shall or may be recovered in any Action or Suit at Law or in Equity or otherwise against any such Commissioner, Clerk, Treasurer, or other Officer, or against their or any of their Heirs, Executors, or Administrators, for or by reason of such Deed, Mortgage, Contract, or Agreement, or any Matter or Thing therein contained, and also the Damages or Charges and Expences which any such Commissioner, Clerk, Treasurer, or other Officer shall bear, pay, or be put unto, or which shall be occasioned to him, them, or any of them, for or by reason of any such Deed, Mortgage, Contract, or Agreement, or any Matter or Thing therein contained, or by reason of any Action, Suit, Award, or other Proceeding to be brought, prosecuted, made, or had by or against him, them, or any of them thereupon, or on account of any Act done by him, them, or any of them under or by virtue of the Provisions of this Act, shall be paid out of the Monies to arise by virtue of this Act, unless such Action or Suit, Matter or Thing, shall arise in consequence of their or his own wilful Neglect or Default, or have been brought or commenced or defended without the Order and Direction of the said Commissioners.

Pavements, &c. vested in Commissioners.

XXXI. And be it enacted, That all the present and future public Drains, Sewers, Gutters, Grates, and Sinks within the same Town, and all Posts, Rails, Palings, public Seats and Benches, and all other Articles, Materials, and Things already made, erected, set up, or provided at public Expence or by public Subscription, or to be made, erected, set up, or provided under this Act, and all Buildings and Works, Articles, Materials, and Things to be erected, set up, made, or provided by virtue of this Act, shall belong to and be the Property of and the same are hereby absolutely vested in the Commissioners for executing this Act; and the said Commissioners shall and may cause to be brought any Action, or direct the preferring of any Bill of Indictment, Information, or Complaint (as the Case may require), against any Person who shall steal, take, or carry away, or detain, spoil, injure, divert, disturb, annoy, damage, or destroy, the said several Works, Articles, Matters, Things, and other Property hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part thereof; and in any such Action or Bill of Indictment, Information, or Complaint respectively it shall be sufficient to state generally that the Works, Articles, Matters, Things, or other Property for or on account or in respect of which such Action shall be brought, or Bill of Indictment, Information, or Complaint preferred, is the Property of "The Commissioners for the Improvement of the Town of *Teignmouth*"; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of all or any of the said Works, Articles, Matters, Things, and other Property, or any Part of the same respectively, which shall not be wanted for the Purposes of this Act, to such Person, at such Time, and in such Manner as they shall think proper: Provided always, that nothing herein contained shall affect or interfere with or in any Manner derogate from any Rights which belong or are claimed to belong to any Lord of any Manor within the said Town of *Teignmouth*,

or to any Person or Body of Persons holding under any such Lord, or affect, interfere with, or in any Manner derogate from any private Rights which may be claimed by any Person or Persons, Body Politic or Corporate whatsoever, in, to, or over any of the Places, Articles, Matters, or Things herein-before mentioned and intended to be vested in the said Commissioners, subject to such private Rights.

Power to establish Gas Works.

XXXII. And be it enacted, That if the said Commissioners shall at any Time hereafter deem it expedient to establish a Manufactory or Manufactories for lighting the Streets, Squares, Highways, Lanes, Roads, Paths, Passages, and Places within the said Town of *Teignmouth* with Gas, or any of them, then it shall be lawful for the same Commissioners, with the Consent of the major Part of the Commissioners present at any Meeting specially called for the Purpose of considering the Expediency of establishing such Manufactory or Manufactories, such major Part not to consist of less than One Third Part of the whole Number of Commissioners, to set up and establish a Manufactory or Manufactories of Gas, with all necessary Gasometers, Boilers, Retorts, Works, and Apparatus requisite for the same, and to purchase from any Person or Persons, Body or Bodies Politic or Corporate, who shall be willing to sell the same, any Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Bishopsteignton* or the aforesaid Town of *Teignmouth*, or the Environs thereof, for the Purpose of erecting and making suitable and necessary Erections, Works, and Apparatus for the manufacturing or preparing of Gas for the Purpose of lighting the said Streets, Squares, Highways, Roads, Lanes, Passages, and Places within the Town aforesaid or any of them; and that the said Commissioners shall and may manufacture and produce and contract with any Person or Persons, Bodies Corporate or Politic, for the Manufacture and Production of Inflammable Air, Carburetted Hydrogen, Oil Gas, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and for lighting with Gas all such Parts of the said Town as the said Commissioners in their Discretion shall think proper, and shall and may purchase and make Contracts for purchasing Materials, Goods, and Chattels for those Purposes, and also shall and may from Time to Time make Contracts with any Trustees or other Persons, or Body or Bodies Politic, Corporate, or Collegiate, who may be willing to contract or agree with the said Commissioners for lighting any Bridges, Churches, Chapels, Public Buildings, Manufactories, Warehouses, Shops, or private Houses or Buildings, of whatever Denomination the same may be, or any of them, within the said Town of *Teignmouth*, and to sell and dispose of such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and other Products as aforesaid, and to make, enforce, rescind, compound, or compromise all Contracts or Bargains touching or concerning the same several Purposes.

Gas Works to be 600 Feet from Houses, &c.

XXXIII. And be it enacted, That it shall not be lawful for the said Commissioners, nor for any Person or Persons whomsoever, to set up or establish any Manufactory or Manufactories of Gas, or to erect or make any Erections, Works, or Apparatus for the manufacturing or preparing of Gas, within Six hundred Feet of any continuous Line of Houses or Buildings, or any Number of Houses or Buildings exceeding Two, which shall be standing together within the said Town, nor within the like Distance of Six hundred Feet from any single House or Building, without the Consent

in Writing of the Owner and Occupier respectively of such single House or Building first had and obtained.

Power to make Waterworks.

XXXIV. And be it enacted, That it shall be lawful for the said Commissioners, by their Officers, Agents, Servants, Workmen, and Assistants, to make, complete, maintain, and keep Waterworks, Reservoirs, Aqueducts, Water Wheels, Steam Engines and other Engines, Pipes, and other Conveniences, in, through, or upon the Lands and Grounds mentioned and described in the Schedule marked (B.) to this Act annexed, or any of them, for supplying the said Town of *Teignmouth* with Water; and the said Commissioners are hereby fully empowered, by their Officers, Agents, Workmen, or Servants, to supply the said intended Waterworks and the said Reservoirs and Aqueducts, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water, and to make such and so many Feeders, Tunnels, Drains, Channels, and Shafts, and to make, erect, and set up so many Stopgates, Locks, Sluices, Weirs, Engines, Steam Engines, and other Machines for supplying the said Waterworks and the said Reservoirs and Aqueducts with Water, and for any other Purposes for the making, maintaining, and using such Waterworks, as they the said Commissioners shall from Time to Time think proper and expedient; and for the better effecting the Purposes aforesaid, and also afterwards for inspecting and repairing the Works aforesaid, the said Commissioners, and their Officers, Workmen, and Servants, are hereby empowered to go, enter, and pass in, upon, over, under, and through the Lands and Grounds, Waters, Highways, Roads, Passages, and all other Lands and Places of or belonging to any Person or Persons, Bodies Politic or Corporate whatsoever, mentioned and specified in the last-mentioned Schedule to this Act annexed, and in the Plan and Book of Reference herein-after mentioned, and to set out and ascertain such Part or Parts thereof as they the said Commissioners shall think necessary and proper for making, completing, maintaining, using, and improving the said Waterworks, Reservoirs, Pipes, Aqueducts, and all such other Matters, Works, and Conveniences as they shall think necessary for effecting the Purposes aforesaid; and the said Commissioners are hereby empowered to make such Engines, Houses, and other Works, and all such Cisterns, Pools, Reservoirs, Basins, Main Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead and other Metal, Cocks, Chamber Cocks, Cocks in common, Stopcocks, Valves, Fire-plugs, Air-plugs, Firecocks, Mains, Feeders, Fanapers, and Pumps as the said Commissioners shall think requisite for the several Purposes of the said Waterworks, and also from Time to Time to divert, alter, repair, widen, enlarge, amend, and discontinue the same.

Separate Accounts to be kept of Gas and Waterworks.

XXXV. And be it 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 for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts (separate and distinct from the general Accounts directed to be kept by this Act) of all Sums of Money which shall be received, paid, laid out, and expended, in pursuance of the Powers and Provisions of this Act, by, for, or on account of the said Commissioners, in respect of the Establishment and subsequent Maintenance of the said Gas Works, and of the several Articles, Matters, and Things for which such Sums of Money shall have been received, paid, laid

laid out, and expended, and in respect of the Establishment and subsequent Maintenance of the said Waterworks, and of the several Articles, Matters, and Things for which such Sum or Sums of Money shall have been received, paid, laid out, and expended.

Power to Commissioners to break up Pavements, lay Pipes, &c.

XXXVI. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby fully authorized and empowered (subject to the Restrictions and Provisions herein mentioned), by their Servants, Agents, Workmen, and others, from Time to Time to break up the Soil, Flaggings, Pitchings, Pavements, and Materials of any of the Streets, Squares, Highways, Lanes, Roads, Ways, Passages, and Places now made or laid out or that may be hereafter made or laid out within the said Town of *Teignmouth*, whether the same or any of them shall or shall not be public Highways, or repaired or liable to be repaired by the Inhabitants of the said Town, and to dig and sink Trenches and Drains, and to lay Mains and Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along the same Streets, Squares, Highways, Lanes, Roads, Paths, Passages, and Places, or any of them, and in, under, across, and along the Beach of the Sea or the River *Teign*, and from Time to Time to alter the Position of, and to repair, relay, and maintain, such Pipes, Stopcocks, Syphons, and Plugs or Branches, and also, with the Consent and Permission of the Owners and Occupiers, to carry, fit up, and furnish any Pipe or Pipes, Cock or Cocks, or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Square, Highway, Lane, Road, Path, Passage, or Place within the same Town, against, into, or through any Dwelling Houses, Manufactories, public or private Buildings, for the Purpose of lighting any public or private Lamp, or supplying any public or private Buildings or public or private Cisterns or Pumps with Water from such Mains or Pipes, and to erect, fix, and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House, Manufactories, public or private Buildings, Cisterns, or Pumps a proper and competent Supply of Gas or Water (as the Case may be), or for measuring and ascertaining the Extent of such Supply, and also to alter and amend any bad or imperfect Work which shall have been so placed, or any Works which shall have been injured or damaged, and to do all such Acts, Matters, and Things as shall from Time to Time be or become necessary and convenient for completing, amending, repairing, improving, supplying, and using the same, they the said Commissioners, their Agents, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the Powers hereby granted to them, and making Satisfaction in the Manner herein-after mentioned to the Owners, Proprietors, and all other Persons interested in the Lands, Tenements, Waters, and Hereditaments respectively which shall be used for the Purposes of this Act, or which shall be injured or damaged by means of the Exercise of any of the Powers hereby granted or to be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Commissioners, their Agents, Officers, Servants, Workmen, Assistants, and all other Persons whomsoever, for what they or any of them shall do or cause to be done under or by virtue of the Powers hereby granted.

Regulations as to Ascent of Bridges and Height of Fences.

XXXVII. Provided always, and be it enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges over the said Aqueduct or Aqueducts to communicate with any public Carriage Road, the

the Ascent to every such Bridge shall not be more than One Foot in Thirteen Feet, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

No Water to be brought from the Reservoir into the Town until certain Improvements are made.

XXXVIII. And whereas it is intended that the principal Reservoir for collecting the Water to be afterwards distributed through the said Town should be situate in a certain Field or Close of Land called or known by the Name of *Lower Thorn Park*, and that the said Water should be conveyed from the said Reservoir for the Supply of the Inhabitants of the said Town by, through, or along a certain Street in the said Town called *Bitton Street*, as the same is described in the Map or Plan herein-after mentioned to have been deposited with the Clerk of the Peace for the said County of *Devon*: And whereas it is intended, under the Provisions of this Act, to widen and improve the said Street called *Bitton Street*, and the same being now the principal Entrance into the said Town from all Places situate to the Westward thereof, and very narrow and inconvenient for all Persons passing through the same, it is expedient that the same should be widened before the Soil or Pavement thereof be broken up for the Purpose of laying any Main or Pipe for the Conveyance of Water through the same; be it therefore enacted, That nothing in this Act contained shall authorize or empower the said Commissioners to convey any Water from the said intended Reservoir into the said Town, or to proceed further under the Powers given to them by this Act for the Supply of the said Town with Water, than the collecting of the same in the said Reservoir, until they shall have set back all the Houses, Buildings, Walls, and other Erections necessary for the widening and Improvement of the said Street from the Corner of a certain Lane called *Combe Lane* to the Junction of the said Street with a certain other Street called *Fore Street*, and made the said Street called *Bitton Street* Twenty-six Feet wide at the least from the Corner of a certain other Lane called *Clay Lane* to the Junction of the said Street with *Fore Street* aforesaid.

Map and Book of Reference to remain with the Clerk of the Peace.

XXXIX. And whereas a Map or Plan describing the Line of the said intended Aqueducts and Pipes for the said intended Waterworks, and the Lands through which the same respectively are intended to be carried, and the Situation of the intended Reservoirs of Water, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Devon*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being or his Deputy, and all Persons shall at any seasonable Time have Liberty to inspect and peruse the same, and have a Copy thereof or such Part thereof as such Person or Persons shall require, such Copy or Copies to be made by the said Clerk of the Peace or his Deputy, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies; and the Commissioners shall not, in laying and making such Aqueducts and Pipes of the aforesaid Waterworks, deviate more than One hundred Yards from the Line or Course described in the said Map or Plan, nor make any Wells, Cisterns, or Reservoirs in any other Lands, Grounds, or Situations than in those therein described, without the Consent in Writing of the Owner or Owners

and Occupier or Occupiers of the Lands or Grounds in or into which they shall so deviate or make such other Wells, Cisterns, or Reservoirs for Water, except as herein-after is mentioned and provided for.

Errors in Book of Reference not to impede the Works hereby authorized.

XL. And be it enacted, That no Advantage shall be taken against the said Commissioners, or any Interruption be given to the making of the said Waterworks, Reservoirs, Aqueducts, Water Wheels, Steam Engines, and other Engines, Pipes, and other Conveniences hereby authorized to be made for the Purpose of the said Waterworks, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the said County of *Devon* (not being Commissioners under this Act), and shall be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake only.

Power to divert the Mill Stream and destroy Bitton Mill, but the Rights appurtenant to the Mill in Whitewell Stream to continue.

XLI. And whereas the principal Stream from which it is intended to provide a Supply of Water for the Purposes of this Act arises on a certain Estate called *Lower Venn*, situate in the Parish of *Bishopsteignton* aforesaid, and, after passing through divers Lands in the Tenure or Occupation of several of the Persons mentioned in the Schedule marked (B.) to this Act annexed, is collected in the Pond belonging to a certain Mill called *Bitton Mill*, which Mill is also supplied with Water for the working thereof by another Stream called *Whitewell Stream*, also arising in the said Parish of *Bishopsteignton*, and particularly described in the said Plan deposited in the Office of the Clerk of the Peace for the said County of *Devon*, and after passing the said Mill the whole of the Water of both the said Streams has hitherto been accustomed to flow over and along certain Closes of Land towards and unto the said River *Teign*: And whereas by the Diversion of the said first-mentioned Stream for the Purposes of this Act not only the said Mill will be rendered incapable of working by the Want of a sufficient Supply of Water, but the several Owners and Occupiers of the Lands through which the same Stream was used and accustomed to flow will be deprived of the Supply of Water which they were used and accustomed to have for the Use of their Houses, Lands, and Cattle thereon: And whereas it has been found that the said Stream of Water called *Whitewell Stream* will not be required for the Supply of the said Town, but may be diverted and turned in such Manner as to flow unto, over, and nearly through all or all the said Lands which by reason of the Diversion of the said first-mentioned Stream will be deprived of the said Supply of Water; be it therefore enacted, That it shall be lawful for the said Commissioners to take and divert the said Stream now flowing from *Lower Venn* aforesaid unto the said Mill, and to convey the same into any Reservoir or Reservoirs for the Supply of the said Town with Water, in such Manner as to them shall seem expedient; and immediately after the Diversion of the same it shall be lawful for the Owner of the said Mill and he is hereby required to stop the working thereof, and to take down and remove the same, but nevertheless all the Rights appurtenant to the said Mill in respect of the said Stream called *Whitewell Stream* shall continue in as ample Manner and Form as if the said Mill had not been removed; and all such Rights shall thenceforth vest in the said Commissioners, who shall have the same Powers and Privileges with regard to the said *Whitewell Stream*, and the same Remedies against any Party wrongfully diverting or appropriating the

Water thereof, as any Occupier of the said Mill might have had if the same had not been removed, but were still supplied with Water for the working thereof by the said Stream.

Power to divert the Whitewell Stream.

XLII. And be it enacted, That it shall be lawful for the said Commissioners to divert and turn the said *Whitewell Stream* in such Manner as to cause the same to flow unto, over, through, and along all such of the said Lands and Grounds described in the said Plan deposited with the said Clerk of the Peace which by reason of the Diversion of the said first-mentioned Stream will be deprived of their accustomed Supply of Water, and as in the Judgment of the said Commissioners it may be practicable to supply with Water from the said *Whitewell Stream*; and for the better effecting the said Purpose it shall be lawful for the said Commissioners, and their Officers, Workmen, and Servants, at all Times to go, enter, and pass in, upon, over, and through the said Lands and Grounds, and to make such Channels, Aqueducts, Drains, Gutters, and other Works as shall or may be deemed necessary for supplying the said Lands and Grounds with Water, doing as little Damage as may be: Provided always, that the said Commissioners shall and they are hereby authorized and required to make full Compensation to every Person and Persons, Bodies Politic and Corporate, who shall suffer any Injury by reason of the Diversion of the said Streams, or either of them, the Amount of such Compensation to be settled by a Jury, in case of Dispute, in manner herein-after mentioned.

For the Protection of the Property of Mr. Templer's Trustees.

XLIII. And whereas the Trustees or Receivers of *James George John Templer*, an Infant, claim to be entitled to the House and Buildings, Lands and Hereditaments, mentioned in the said Schedule (B.) to this Act annexed, and numbered Sixteeen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-six, and Twenty-eight, which may, by the Execution of the Powers hereby vested in the said Commissioners, be deprived of the Supply of Water which they are used and accustomed to have, unless special Provision be made in that Behalf; be it therefore enacted, That the said Commissioners shall and they are hereby required, at their own Expence, before the making of the said intended Waterworks, Reservoirs, Aqueducts, and other Works hereinbefore authorized to be made, to provide a convenient Watering Place, Tank, or Reservoir, or convenient Watering Places, Tanks, or Reservoirs, for Horses and Cattle, each of which Watering Places, Tanks, or Reservoirs shall not contain less than Three Hogsheads, in and for each and every of the several Closes or Pieces of Land numbered Sixteen, Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-six, and Twenty-eight in the said Schedule (B.), unless the said *James George John Templer* or the Receivers and Trustees in the said Schedule mentioned shall dispense with the making of a Watering Place in any One or more of the said Closes, and also, as well during the making of the said intended Aqueducts and other Works as at all Times for ever after the same shall be made, to keep the said Watering Places, Tanks, or Reservoirs lastly before directed to be made at all Times filled with Water, in order that there may be a regular and ample Supply of Water for the House and Farm or other Buildings now standing or hereafter to be erected on the said Closes or Pieces of Land, as well for the Use of the Owners, Occupiers, and Inhabitants thereof, and

their

their Families, as for their Horses, Cattle, and all Farming Purposes; and for the Purposes aforesaid the said Commissioners shall and they are hereby required to lay down and make, at the like Expence, convenient and proper Reservoirs or Tanks, Pipes, Channels, and Watercourses, for securing such regular and ample Supply of Water for all the Purposes aforesaid, to the Satisfaction of the said *James George John Templer*, or his Receivers and Trustees, in the said Schedule (B.) mentioned, and ever after to keep repaired and maintained at the like Expence of the said Commissioners such Watering Places, Tanks, or Reservoirs, Pipes, Channels, and Watercourses; and in case the said Commissioners shall neglect or refuse to keep all and every or any of the said several Watering Places, Tanks, or Reservoirs from Time to Time and at all Times filled, and the Occupier of the said House and Buildings regularly and amply supplied with Water, in manner aforesaid, or to repair such Watering Places, Tanks, or Reservoirs, Pipes, Channels, and Watercourses, as last aforesaid, or any or either of them, the said Commissioners shall forfeit and pay to any Owner or Occupier of the said House, Buildings, Lands, and Hereditaments inconvenienced by such Neglect or Refusal the Sum of Two Pounds for every Day during which they shall so neglect or refuse as aforesaid; and moreover, in every Case of such Neglect or Refusal as aforesaid, it shall be lawful for any such Owner or Occupier to give Notice in Writing to the Clerk of the said Commissioners to supply and fill the said Tanks or Reservoirs; and in case the said Commissioners shall refuse or neglect to supply and fill and keep the same supplied and filled by the Space of Fourteen Days next after such Notice so to be given as aforesaid, then and in such Case it shall be lawful for any such Owner or Occupier, or his Servants or Workmen, to lay any Pipe or Pipes, or make any Channel to or communicating with any Reservoir, Aqueducts, Pipes, Feeders, Tunnels, Drains, Channels, or other Works hereby authorized to be made, and thereby or otherwise to take and divert any Water from any such Reservoir, Aqueducts, Pipes, Feeders, Tunnels, Drains, Channels, Works, or any of them, for the Use of himself or any other Owner or Occupier of the last-mentioned House, Buildings, Lands, and Hereditaments, and also to repair all such Watering Places, Tanks, or Reservoirs, Pipes, Channels, and Watercourses, as the said Commissioners shall neglect or refuse to repair as aforesaid; and the said Commissioners shall and they are hereby required to pay such Owner or Occupier or Inhabitant the Charges and Expences of laying and making such Pipes and Channels, and diverting, taking, and retaining the Water for the Purposes aforesaid, or in repairing any such Watering Places, Tanks, or Reservoirs, Pipes, Channels, and Watercourses last aforesaid, within the Space of One Month after such Charge and Expence shall have been incurred; and the said Charges and Expences last aforesaid, on Nonpayment thereof, and also the Forfeiture lastly herein-before imposed on the said Commissioners, may be ascertained, settled, and recovered respectively in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace for the said County of *Devon*, on Complaint to him or them for that Purpose exhibited, and afterwards levied, as well as the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels vested in the said Commissioners, or of the Goods and Chattels of their Treasurer for the Time being: Provided always, that the Recovery of any Charges and Expences as aforesaid by any Owner or Occupier as

as aforesaid shall not prejudice or prevent the Recovery also by him of the said Sum of Two Pounds *per* Day for such Neglect or Refusal as shall have then happened, or for any future Neglect or Refusal.

Commissioners to alter the Watering Place for the Shipping.

XLIV. And whereas a small Reservoir was many Years ago made in a certain Meadow called *Bennett's Meadow*, and a Pipe laid from the said Reservoir in, through, and along certain other Lands and Grounds until the same reached the said River *Teign*, by means whereof a constant Stream hath since continued to flow, by which the several Ships and Vessels lying in the Harbour of the said River *Teign* have been used and accustomed to be supplied with Water, and other Persons have resorted to the said Pipes for the Purposes of procuring Water for domestic Purposes, and it is expedient that the said Commissioners should furnish and maintain a more convenient Watering Place for the Shipping within the said Harbour, and that the said Stream flowing through the said Lands and Grounds should be discontinued; be it enacted, That the said Commissioners shall lay or cause to be laid from some One or more of their Mains or Reservoirs a Branch or Branches to such Place or Places on or near to some One or more of the Quays or Wharfs within the said Harbour of the said River *Teign*, as to them shall seem most convenient for the supplying with Water at all Times the several Ships or Vessels which may from Time to Time lie or be in the said Harbour, and shall provide at each and every of the said Watering Places a sufficient Hose or Hoses for that Purpose, and to keep the same in good Repair; and that when and so soon as the said Branch or Branches shall be so placed as aforesaid the said Stream so flowing through the said Lands and Grounds shall forthwith be stopped and wholly discontinued.

Power to receive 1*d.* per Hogshead from Shipping.

XLV. And be it enacted, That the said Commissioners shall be entitled to demand and take from every Master of any Vessel which shall be supplied with Water from the said Branch or Branches any Sum of Money not exceeding One Penny *per* Hogshead, which Sum shall be paid to such Person as the said Commissioners shall appoint to receive the same, and by him paid over to the Treasurer to the said Commissioners, and accounted for by him as Money received on account of the said Waterworks.

Commissioners not to lay Gas Pipes &c. against private Property without Consent.

XLVI. And be it enacted, That nothing herein contained shall authorize or empower the said Commissioners to carry or lay any Pipe or Pipes against, into, or through any Dwelling House, Manufactory, public or private Building, Yard or Ground, for the Purpose of lighting the said Streets, Squares, Highways, Lanes, Roads, Paths, Passages, and Places, or any of them, or to continue the same, without the Consent of the Owner or Occupier of every such Dwelling House, Manufactory, public or private Building, Yard, or Ground against, through, or into which any such Pipe or Pipes may be carried or laid for such Purposes.

Owners or Occupiers may remove Pipes if Commissioners neglect to do it.

XLVII. And be it enacted, That if at any Time hereafter any Owner or Occupier of any Dwelling House, Manufactory, or public or private Building in or through which any Pipe or Pipes, Cock or Cocks, or Branch or Branches may have been laid for such Purpose of lighting, with any such Consent as aforesaid, shall be desirous that the same shall be

be discontinued or removed, and shall give or cause Notice thereof to be given to the Clerk of the said Commissioners, and such Commissioners shall neglect to remove and discontinue such Pipe or Pipes, Cock or Cocks, or Branch or Branches within Fourteen Days after receiving such Notice, it shall be lawful for the Person or Persons into or through whose Dwelling House, Manufactory, or public or private Building, or Premises, such Pipe or Pipes, Cock or Cocks, Branch or Branches shall be laid, and he, she, or they is and are hereby authorized, to remove and discontinue the same at the Costs and Charges of the said Commissioners, to be recovered in manner next herein-after mentioned.

Commissioners to remove Pipes, &c. when Tenants quit, if required.

XLVIII. And be it enacted, That the said Commissioners shall at their own Expence, at the Expiration or Determination of the Tenancy or Tenancies of any Occupier or Occupiers giving Consent as aforesaid, or within Fourteen Days after the Expiration or Determination of such Tenancy or Tenancies, upon receiving Notice in Writing for that Purpose from or on behalf of the Owner or Owners or the succeeding Occupier or Occupiers of any such Dwelling House, Manufactory, public or private Building as aforesaid, remove, take, and carry away, or cause to be removed, taken, and carried away, any Pipe or Pipes, Cock or Cocks, or Branch or Branches from any Main or Pipe of Gas which shall have been introduced or laid by such Commissioners into or through any such Dwelling House, Manufactory, public or private Building, or Premises as aforesaid, pursuant to the Powers for that Purpose herein-before contained, and repair and make good all Damages done thereby to such Dwelling House, Manufactory, public or private Building, and Premises, into or through which the same shall have been so introduced, any thing herein contained to the contrary thereof in anywise notwithstanding; and in default thereof it shall be lawful for such Owner or Owners, or such new Occupier or Occupiers, as the Case may require, or any other Person or Persons acting under his or their Authority, to cause such Pipes, Cocks, or Branches to be removed, taken, and carried away, and the reasonable Costs and Charges for so doing shall immediately be paid by the said Commissioners or their Treasurer for the Time being to such Owner or Owners, Occupier or Occupiers, as the Case may require; and if such reasonable Costs and Charges be not paid within Twenty-one Days next after Demand shall be made by such Owner or Owners, Occupier or Occupiers, (Proof of such Demand being made by the Oath, or Affirmation if a Quaker, of One credible Witness before One or more Justice or Justices of the Peace of the County of *Devon*, not being a Commissioner or Commissioners,) all such reasonable Costs and Charges shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, together with the Costs and Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace of the said County, which Warrant such Justice or Justices is and are hereby empowered to grant, and such Costs and Charges shall be paid to such Owner or Owners, Occupier or Occupiers, as the Case may require.

For Protection of public Bridges.

XLIX. And be it enacted, That in laying down any Pipes or other Apparatus for conveying Gas or Water over or across or upon any public Bridge within or adjoining the said Town of *Teignmouth*, or within or

under the Roads belonging to any such Bridge, such Pipe or other Apparatus shall be conveyed under the Footpath over such Bridge or Roads, and within Brick or Stone Soughs set in Lime Mortar, and covered with sufficient Flags to form the Surface of such Footpaths.

Gas Pipes to be laid at a Distance from Water Pipes.

L. And be it enacted, That all and every the Pipes or other Conduits to be laid for the Conveyance of Gas in, under, through, along, or across any Streets, Passages, or Places within the said Town shall be so laid at the greatest practicable Distance, and whenever the Middle of the Carriageway in such Streets, Passages, or Places will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe which may be hereafter laid down for the Conveyance of Water in, under, through, along, or round any of the said Streets, Passages, or Places, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Case the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Case the said Gas Pipe so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and the said Commissioners, or any Company of Contractors, or other Persons supplying Gas, in laying down the Pipes or other Conduits to be laid for the Conveyance of Gas in, under, through, along, across, or round the said Streets, Passages, or Places by virtue of this Act, shall in no Case join Two or more Pipes 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 Pipe, and all Pipes connected and communicating therewith, and all the Screws, Joints, Inlets, Apertures, and Openings therein, respectively Air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from every Part thereof, upon pain of forfeiting for each Default in every Case the Sum of Twenty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*.

Penalty for conveying Washings into any River, &c.

LI. And be it enacted, That if the said Commissioners, or any Company or Companies, or any other Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the aforesaid Town, 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 made in the Prosecution of their or his Gas Works, into any River, Brook, or Running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in every such Case the said Commissioners, or any such Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and

and 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, or Information, wherein no Essoign, Protection, Privilege, nor more than One Imparlance shall be allowed, and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable if the same be sued for after the Expiration of Six Calendar Months from the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be sued for or recovered), in case any of the said Washings or other waste Liquids, or noisome or offensive 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, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners, or to the Company or Companies, or any of them, or other Person or Persons as aforesaid, and the said Commissioners, or Company or Companies, or other Person or Persons, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, noisome or offensive Substances or Things, from being drained, conducted, or conveyed, or from running and flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies, or other Person or Persons so offending shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Substances or Things shall be so done, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Nuisance, Injury, or Damage, Act or Thing, shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, 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 by any such Act so done or committed.

For preventing Escape of Gas.

LII. And be it enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up within the said Town, the said Commissioners, or any Company or Companies, or other Person or Persons so laying down or setting up, or causing to be laid down or set up, such Gas Pipes, or any of them, or making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Town aforesaid, shall, immediately after Notice given to them or him by Parol or in Writing, to be given or left at their Office or usual Place of transacting Business by any Inhabitant or Inhabitants, or other Person or Persons whomsoever, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping;

escaping; and in case the said Commissioners, or any Company or Companies, or other Person or Persons as aforesaid, shall not within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or the Company or Companies, or other Person or Persons as aforesaid shall for every such Default 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 or Penalties shall from Time to Time be recoverable in a summary Way on the Oath or Affirmation of some credible Witness or Witnesses by Information to be laid before some Justice or Justices of the Peace, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Company or Companies, or other Person or Persons as aforesaid.

For preventing Contamination of Water.

LIII. And be it enacted, That whenever the Water supplied to the Inhabitants of the same Town by virtue of this Act shall be contaminated by any Gas burnt or used for lighting any Street or other Place, or any House, Manufactory, or Building, or other Premises, within the said Town, the Company, Commissioners, or Persons making, furnishing, or supplying such Gas shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Benefit of the Person or Persons aggrieved thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Company, Commissioners, or Person or Persons making, furnishing, or supplying such Gas shall, within Twenty-four Hours next after Notice thereof in Writing signed by the Person or Persons making use of such Water, to be left at the usual Office or Place of transacting Business of the said Company, Commissioners, or Person or Persons, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes contaminating or affecting the Water as aforesaid; and in case the said Company, Commissioners, or Person or Persons making, furnishing, or supplying Gas shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then the said Company, Commissioners, or Person or Persons as aforesaid shall on each Complaint forfeit and pay to the Person or Persons aggrieved, for the Use or Benefit of the said Person or Persons, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water shall be and remain contaminated or affected by such Gas; 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 of One credible Witness by the Person or Persons aggrieved against the said Company, Commissioners, or other Person or Persons making, furnishing, or supplying Gas, before any Justice of the Peace of the said County of *Devon*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Com-

pany, Commissioners, or other Person or Persons making, furnishing, or supplying such Gas, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, when so levied, shall be paid to the Person or Persons prosecuting such Information.

For ascertaining if the Water be contaminated.

LIV. And whereas it may be or become a Question 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 to and for the said Commissioners, by their Surveyor, Agents, Servants, and Workmen, or for the Owner or Occupier of any Messuage, or other Person using the Water which may be deemed affected thereby, to dig to and about and search and examine the Gas Pipes, Conduits, and Apparatus for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by such Gas; and if it shall appear that the said Water has been contaminated or affected by any Escape of such Gas, the Costs and Expences of such Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Company, Commissioners, or other Person or Persons making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Town aforesaid; which Costs and Expences shall be ascertained and settled, if necessary, by any Justice or Justices of the Peace not being a Commissioner or Commissioners under this Act, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas, then and in such Case the said Commissioners, or Owner or Occupier of any Messuage, or other Person using the Water which may be deemed to be affected thereby, 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 other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus in and by such Search and Examination, and shall also repair and make good the Pavement of the said Streets and Places broken up 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.

Nothing to prevent Commissioners from being indicted as a Nuisance.

LV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against the said Commissioners, or any Company or other Person or Persons making, furnishing, or supplying Gas used, burnt, or consumed for lighting any Streets, Squares, Roads, Ways, Passages, or other public Places, or any House, Manufactory, Building, or other Premises within the said Town, or against any of the Officers, Servants, or Workmen in respect of any Works or the Means which shall be employed by them or any of them in making the said Gas, and using the same in furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Commissioners, Company, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any

such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Commissioners to make good Pavements, &c. damaged by them.

LVI. And be it enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Stopcocks, Drain-boxes, Branches, or other Apparatus, either for Gas or Water, shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements, Roads, Ways, and Footpaths, and carry away the Rubbish occasioned by such Works, and repair any Damage arising from any Drains, Sewers, or Cuts which may be made for carrying off the Washings or waste Liquids to be produced from the said Works, without any Delay, and shall in the mean time fence or guard the Place or Places where any Ground shall be opened in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages, and set up Lamps or Lights at or near the same during the Night in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided also, that if there shall be any wilful or negligent Delay in the said Commissioners, or in any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground and removing Rubbish, or making good any such Pavements or Roads as aforesaid, or in fencing, guarding, and lighting the Place where any such Ground shall be opened as aforesaid, then and in every such Case it shall be lawful for the Surveyors of the Highways within the said Parishes of *East Teignmouth* and *West Teignmouth*, or any other Person or Persons acting by or under their Authority, as to any Street, Square, Highway, Lane, Road, Path, or other public Passage or Place within their Jurisdiction so broken up, and for the Owner or Owners of the Soil for the Time being in all other Places, to fill in such Ground, and remove such Rubbish, and repair any such other Damage, and to fence, guard, and light such Place so opened as aforesaid; and the reasonable Costs and Charges thereof shall be paid by the said Commissioners or their Treasurer to the said Surveyors, or Owner or Owners, as the Case may require; and in default of Payment thereof for Ten Days next after the Demand shall be made by the said Surveyors, or by such Owner or Owners, Proof of such Demand being made by Oath, or Affirmation if a Quaker, of any credible Witness, before One or more Justice or Justices of the Peace for the said County of *Devon*, not being a Commissioner or Commissioners under this Act, all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty for every Offence in any of the Cases aforesaid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Commissioners, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace for the same County, which Warrant such Justice or Justices is and are hereby empowered to grant.

Owners, Occupiers, or Inhabitants may lay Pipes after Notice.

LVII. And be it enacted, That such of the Owners or Occupiers of the Houses, Buildings, or Premises, or Inhabitants of the said Town, as shall be desirous of having Gas from the said Gas Works or Water from the said Waterworks laid into their Houses, Buildings, and other Premises,

Premises, may and are hereby authorized and empowered, at their own Expence, (having given Fourteen Days previous Notice in Writing of his, her, or their Intention so to do to the said Commissioners or their Surveyor, and with the Consent of the Owners of the Premises through which the Pipes shall be conveyed,) to open the Ground between the Aqueducts or Main or Branch Pipes of the said Commissioners and the respective Houses, Buildings, or other Premises of such Owners, Occupiers, or Inhabitants, and to lay any Leaden or other Service Pipe or Pipes of the Bore, if Gas, of Half an Inch, and if Water of Three Quarters of an Inch, or of a greater Bore in either Case if the said Commissioners shall consent thereto, from such respective Houses, Buildings, and other Premises, to communicate with the said Aqueducts or Main or Branch Pipes, such respective Owners, Occupiers, or Inhabitants paying or agreeing or consenting to pay to the said Commissioners for such Supply of Gas such Rents or Sums of Money as shall be agreed upon, and for such Supply of Water the Rents or Sums herein-after mentioned; and every Owner, Occupier, or Inhabitant for the Time being of the said Houses, Buildings, or other Premises to which any Service Pipe shall be so laid, and who shall take or use any Gas or Water belonging to the said Commissioners, shall be liable to pay the said Rents or Sums of Money for the Use of such Gas or Water in the same Manner as if he or she had originally laid such Service Pipe or Pipes as aforesaid; and in case of Default of Payment of any such Rents or Sums of Money it shall be lawful for the said Commissioners to cause the Service Pipe or Pipes belonging to the Person making such Default, and communicating with the said Main or Branch Pipes, to be separated therefrom, and to cause the Gas or Water (as the Case may be) to be stopped from issuing or running into the said Houses, Buildings, or other Premises of every Person so making default; and the Rents or Sums of Money so due and in arrear shall be recoverable and shall and may be recovered by the said Commissioners, together with Costs, by Distress and Sale of the Goods and Chattels of the Person refusing or neglecting to pay the same or any Part thereof, in the same Manner as Rents in arrear upon common Demises may by Law be recovered; or the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case: Provided always, that every Person who shall have laid any Leaden or other Pipes as aforesaid, or any subsequent Owner or Proprietor thereof, shall be at liberty to remove and take away any such Pipes and the Cocks belonging thereto, doing no Injury or Damage to the Pipes of the said Commissioners, and making good the Pavement to be disturbed thereby.

Water and Gas Rents payable till Notice to discontinue.

LVIII. And be it enacted, That the Rents or Sums of Money which any such Owner, Occupier, or Inhabitant shall agree or consent to be liable to pay for a Supply of Gas or Water as aforesaid shall be charged on the Owner, Occupier, or Inhabitant of the House, Building, or Premises to which any such Service Pipe shall be laid, until after the Expiration of One Calender Month's Notice in Writing to be given by him, her, or them to the Clerk of the said Commissioners of his, her, or their Intention to discontinue to take, receive, or use such Gas or Water (as the Case may be), such Notice to expire on some usual Quarter Day: Provided always, that in all Cases where any Owner, Occupier, or Inhabitant shall remove from or quit Possession of any House, Building, or other

other Premises in respect whereof he, she, or they shall have agreed or consented or become liable to pay for Gas or Water supplied by the said Commissioners by virtue of this Act, such Owner, Occupier, or Inhabitant shall be liable to pay for the same down to the next Quarter Day after such Removal only.

Limiting the Rents to be paid for Water.

LIX. And be it enacted, That the said Commissioners shall be obliged, so far as their Means will allow, to furnish a sufficient Supply of Water to every Owner, Occupier, and Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Street, Square, or Place in the said Town where any Main or Branch Pipe of the Waterworks of the said Commissioners shall be laid, and from which any Service Pipe shall be laid by virtue of this Act, for the Use of his or her own Family, at the following Rents *per Annum;* (that is to say,) where the annual Rack Rent or Value of the House or Building, Yard, Offices, or Premises to be supplied with Water shall not exceed Eight Pounds, at a Rent not exceeding Nine-pence in the Pound upon such annual Rack Rent or Value; and where the annual Rack Rent or Value shall amount to Eight Pounds, but be less than Ten Pounds, at a Rent not exceeding One Shilling in the Pound upon such annual Rack Rent or Value; and where the annual Rack Rent or Value shall be Ten Pounds or upwards, at a Rent not exceeding One Shilling and Four-pence in the Pound upon such annual Rack Rent or Value: Provided nevertheless, that in case of Manufacturers, Dyers, Distillers, Brewers, Innkeepers, Maltsters, Alehouse Keepers, Vintners, or Persons requiring a Supply of Water for Prisons, Hospitals, Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, or Persons requiring a Supply of Water for other Purposes than his, her, or their own Family Consumption, such Supply shall be furnished by the said Commissioners in such Cases at such Rent as shall be settled and agreed upon by and between the said Commissioners and such Persons respectively.

Power to reduce Water Rents and again increase them.

LX. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to advance and raise or lower and reduce the Rents or Sums of Money by this Act authorized to be taken in respect of such intended Supply of Water: Provided always, that the said Rents or Sums of Money shall not in any Case be advanced or raised so as to exceed the Rents or Rates of charging herein-before mentioned.

Penalty for not supplying Water at the Rents specified.

LXI. And be it enacted, That in case the said Commissioners shall wilfully neglect or refuse to supply in manner aforesaid any Owner, Occupier, or Inhabitant occupying any private Dwelling House or Part of a Dwelling House in the said Town where such Service Pipes as aforesaid shall be laid, with Water for the Use of his or her own Family, at the Rents aforesaid, for the Space of Ten Days, (after Demand in Writing shall have been made by such Owner, Occupier, or Inhabitant to the Surveyor to the said Commissioners for such Supply of Water, and Tender made to such Surveyor of the Amount of the Rent for Half a Year for such Supply,) the said Commissioners shall forfeit and pay to such Owner, Occupier, or Inhabitant Treble the Amount of the Rent so tendered, and also the Sum of Twenty Shillings for every Day during which they shall refuse or neglect to supply such Water as aforesaid: Provided always, nevertheless,

nevertheless, that the said Commissioners shall not be at any Time obliged to grant any greater Supply of Water to the Persons or Parties making such Demand and Tender than can be afforded without lessening the Supply to the other Tenants of the said Commissioners.

Water Rents to be payable in advance.

LXII. And be it enacted, That the Water Rents payable to the said Commissioners by virtue of this Act shall become due and continue to be payable in advance if the said Commissioners shall so require, and either quarterly or half-yearly, as they shall think proper, to be calculated from and immediately upon the Commencement of the Supply of Water under the Powers herein contained being furnished or provided.

For settling Disputes as to the Amount of Rent.

LXIII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rent due or the Charges occasioned by any Distress, it shall be lawful for the Person distraining to retain such Distress or the Money arising from the Sale thereof until the Amount of the Rent due, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case shall happen, shall be ascertained by One or more Justice or Justices of the Peace for the County of *Devon*, not being a Commissioner or Commissioners under this Act, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rent due; and it shall be lawful for such Justice or Justices to assess and award such Costs to be paid by either of the Parties to the other of them as he or they may think fit and reasonable, and in case of Nonpayment thereof on Demand, such Costs shall and may be recovered and levied by such Ways and Means and in such Manner as the Rent and Charges hereby granted and imposed are hereby appointed to be recovered and levied.

Rent payable notwithstanding the partial Supply of Water.

LXIV. And be it enacted, That it shall be lawful for the said Commissioners, in Times of Scarcity of Water, or when the Springs are low, and also when it shall be necessary to do any Repairs or make any Alterations or Amendments in or to the said Reservoirs, Aqueducts, Pipes, Cocks, or any other Part of the said Waterworks, to stop the Supply of Water running from the Reservoirs to the said Houses, Buildings, and Premises so long as it shall be necessary, either for the Accumulation of Water for the better Supply of the Owners, Occupiers, or Inhabitants, or for the Repair or Amendment of any of the said Waterworks, but such Suspension or Stoppage shall not prevent or hinder the said Commissioners from receiving and recovering the Water Rents then due or to become due to them: Provided always, that if such Suspension or Stoppage shall exceed Seven Days at any one Time or Fourteen Days within any one Half Year, then a proportionate Deduction shall be made from the same Rents, to be settled, in case of Dispute, by any Justice of the Peace for the said County of *Devon*, not being a Commissioner under this Act.

Where several Houses are supplied with Water by one Service Pipe each Occupier liable.

LXV. And be it enacted, That where several Messuages, Dwelling Houses, Cottages, or Tenements in the Occupation of several Persons shall be supplied with Water by one common Service Pipe from the Main or Branch Pipes or Aqueducts of the said Commissioners, the several Owners or Occupiers of such Messuages, Dwelling Houses, Cottages, or Tenements shall be respectively liable to pay for such Supply the same Rent as he, she,

or they would be liable to pay for such Supply if each of such Messuages, Dwelling Houses, Cottages, or Tenements were separately supplied with Water by a distinct Service Pipe from the Waterworks of the said Commissioners; and where one Dwelling House is occupied by several Tenants or Lodgers it shall be lawful for the said Commissioners, if they shall think proper, to proportion the said Rent between such several Tenants or Lodgers in such Manner as shall seem to them most equitable; and such several Rents, in case of Nonpayment, shall be recovered as herein-before mentioned.

Power to let Water and Gas Rents.

LXVI. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time, at any Special Meeting to be convened for the Purpose, by Writing under the Hands and Seals of any Three or more of them to demise and let the Rents and Sums of Money arising from the said Gas Works and Waterworks, or either of them, to any Person who shall be willing to take and farm the same, for any Period not exceeding Three Years, for the best and most improved Rent that can be reasonably obtained for the same, either by public Auction or Tender, and upon such Terms and Conditions, and with such Securities for the Payment of the Rent, as the said Commissioners shall think fit and expedient, and the Person taking and farming the said Rents or Sums of Money shall have all the same Powers and Authorities for enforcing the Payment thereof which are by this Act vested in the said Commissioners.

Gas and Water Rents to go in aid of Rates.

LXVII. And be it enacted, That the said Rents or Sums of Money arising from the said Gas Works and Waterworks, or the Rents or Rent at which the same or either of them may be let as aforesaid, shall be applied by the said Commissioners, in the first place, for and towards the Expence of making and maintaining the said Gas Works and Waterworks respectively, and the Salaries and Wages of such Officers, Servants, Workmen, and others as the said Commissioners shall from Time to Time think proper to appoint, retain, or employ in and about the said Gas Works and Waterworks respectively, and for the Purpose of carrying on and maintaining the same, and in paying the Interest upon all Sums of Money which may be borrowed by the said Commissioners for the Purpose of making and maintaining the said Gas Works and Waterworks respectively, and in providing a Sinking Fund, as herein-after mentioned; and after the above-mentioned Objects shall have been fully satisfied, then the said Rents or Sums of Money shall be applied for the general Purposes of this Act, as herein-after directed respecting the Rates and Assessments herein-after authorized to be made, and in aid of such Rates and Assessments: Provided always, that it shall not be lawful for the said Commissioners, from and out of the said Gas and Water Rents, in any one Year (after Payment of all Costs, Charges, and Expences attending the same,) to apply for or towards the general Purposes of this Act a higher Rate of Interest or Profit than Ten Pounds *per Centum per Annum* on the whole Sum expended by them and then due and owing in obtaining this Act and making the said intended Gas and Water Works, and the several Works, Matters, and Things relating thereto, but the Excess shall be applied towards the Expences of the said Works during the following Year, and then and in such Case the said Commissioners shall and they are hereby required in such following Year to reduce the said Gas and Water Rents respectively to such a Rate *per Centum* as will limit

limit the Amount of the Interest or Profit in respect of the said Gas and Water Works (after Payment of all such Costs, Charges, and Expences as aforesaid,) as near as possible to the said Sum of Ten Pounds *per Centum per Annum*.

Cisterns to be provided if required.

LXVIII. And be it enacted, That every Person supplied with Water by the said Commissioners shall, if required so to do by the said Commissioners or their Surveyor or Engineer, provide and keep a proper Cistern or Receptacle for such Water, made secure from Loss of Water by Leakage, and also provide and maintain in such Cistern or Receptacle a Valve or Ball and Stopcock or other self-acting Cock, affixed to the Pipe conveying any such Water into such Cistern or Receptacle, in order to prevent the Water running to waste from the same; and in case any Person supplied with Water by the said Commissioners shall neglect to provide such Cistern or Receptacle, and also such Valve or Ball and Stopcock or other self-acting Cock, and to affix the same in manner aforesaid, and to maintain the same respectively at all Times in an effectual State of Repair, it shall be lawful for the said Commissioners, or any Person acting by or under their Authority, to cut and turn off the Water by such Ways and Means as to them or him shall seem proper from the House, Building, or other Premises of every such Person, until such Cistern or Receptacle, and Valve or Ball and Stopcock or other self-acting Cock, shall be provided or put in effectual Repair in manner aforesaid.

Commissioners may provide Cisterns.

LXIX. And be it enacted, That in case any Person wishing to be supplied with Water by the said Commissioners shall be desirous that such Cistern or Receptacle, Valve or Ball and Stopcock or other self-acting Cock as aforesaid, shall be provided by and at the Expence of the said Commissioners, it shall be lawful for the said Commissioners to provide and fix the same, on such Person paying or agreeing and consenting to pay to the said Commissioners, for the Use of such Cistern or Receptacle, Valve or Ball and Stopcock or other self-acting Cock, such Rent or Sum of Money as shall be agreed upon, the same to become due and continue to be payable in advance if the said Commissioners shall so require, and either quarterly or half-yearly as they shall think proper, to be calculated from and immediately upon the Commencement of the Supply of Water under the Powers herein contained being provided or furnished; and in case of Default of Payment of any such Rent or Sum of Money, either by the Person who shall have made such Agreement with the said Commissioners, or by any subsequent Tenant or Occupier of the same House or Premises, it shall be lawful for the said Commissioners to enter upon the Premises where such Cistern or Receptacle, Valve or Ball and Stopcock or other self-acting Cock, shall be so fixed, and to remove the same therefrom; and the Rent or Sum of Money so due and in arrear shall be recoverable and shall and may be recovered by the said Commissioners, together with Costs, in like Manner and by the same Means as the said Water Rents and Gas Rents are herein-before made recoverable.

Power to cut off the Water in certain Cases.

LXX. And be it further enacted, That if any Person shall suffer any of his, her, or their Pipes or Aqueducts communicating with any of the Reservoirs, Pipes, or Aqueducts of the said Commissioners, or the Cocks belonging thereto, to be out of repair so as to let the Water run to waste or be

be useless, or shall neglect to repair the same within Twenty-four Hours after being required so to do by the said Commissioners or their Surveyor or Engineer, or if any Person shall, from Neglect or otherwise, suffer the Water to run to waste, or shall make default in the Payment of the Rent due from such Person, or in case it shall at any Time be found necessary for the Alteration or Amendment of any of the Pipes or Works of the said Commissioners, it shall be lawful for the said Commissioners to cause any Pipes or Aqueducts communicating with any of the Reservoirs, Pipes, or Aqueducts of the said Commissioners to be separated therefrom, and the Water to be stopped from issuing or running into such Pipes or Aqueducts so to be separated: Provided always, that whenever the said Commissioners shall cause any such Pipes or Aqueducts to be separated, and the Water to be stopped from issuing or running therefrom, by reason of any Alteration or Amendment of the Reservoirs, Pipes, or Aqueducts of the said Commissioners, the said Commissioners shall make such Alteration or Amendment, and at their own Expence restore the Communication of such Pipes or Aqueducts with the Reservoirs, Pipes, or Aqueducts of the said Commissioners, and permit the Water to issue therefrom and run again into the same, as soon as conveniently may be.

Penalty on injuring Water.

LXXI. And in order to preserve the Water clear and wholesome; be it enacted, That if any Person shall bathe or wash in or wade into any Spring, Rivulet, Reservoir, Aqueduct, or other Waterwork taken, used, made, or maintained for the Purposes of this Act; or shall wash, put, throw, or cast therein any live or dead Animal, Gravel, Stone, Rubbish, Clothes, Filth, Dirt, or noisome or offensive Matter or Thing whatsoever; or cause or suffer the Water of any Sink, Sewer, or Drain, or any other offensive Liquid, Matter, or Thing, to run, drain, or be conveyed into any such Spring, Rivulet, Reservoir, Aqueduct, Pipe, or other Waterwork; or shall wantonly or unnecessarily open or cut or damage, or cause to be opened, cut, or damaged, any Valve, Clough, or other Engine belonging to the said Waterworks, or any Main Pipe, Branch Pipe, or other Pipe thereof; or wilfully or maliciously let off or discharge, or cause to be let off or discharged, any Water from any of the said Waterworks or Places provided for the Supply of Water, or mis-spend or waste the Water thereof; or foul or render noisome or impure any Water running into or contained in any of such Springs, Rivulets, Reservoirs, Aqueducts, Pipes, or other Waterworks or Places; every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and also such further Sum as the full Amount of the Damage occasioned by the Acts or Means in respect of which such Penalty shall be incurred shall amount unto.

Penalty on Frauds in the Use of the Water.

LXXII. And be it enacted, That if any Person shall take or use, or cause, permit, or suffer to be taken or used, any Water from or out of any Reservoir, Aqueduct, Pipe, or other Waterworks which shall be made or laid by virtue of this Act, without having agreed with the said Commissioners for the Supply of such Water, or if any Person supplied with Water by virtue of this Act shall, without the previous Consent of the said Commissioners, supply any other Person with any Part of such Water, 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 the said Commissioners, if they shall think fit,

to take or cut off the Water so supplied by them from the Premises of the Person so offending or where the Offence shall be committed.

Persons permitted to supply Water to others in certain Cases.

LXXIII. And be it enacted, That nothing herein contained shall extend to subject any Person supplied with Water by virtue of this Act to any Penalty or Forfeiture for supplying any other Person with any Quantity of such Water in case of Fire, or for supplying any Person entitled to a Supply of Water by the said Commissioners during any Time that the Pipe or Cock belonging to such last-mentioned Person shall happen to be out of repair, and shall be not by him wilfully kept in that State.

Penalty on Persons supplying others with Gas.

LXXIV. And be it enacted, That if any Person or Persons supplied with Gas by virtue of the Act shall supply any other Person or Persons with any Part of such Gas, or if any Person or Persons becoming the Occupier or Occupiers of any House, Shop, Building, or Place previously supplied with Gas by the said Commissioners for any former Occupier or Occupiers, or for any other Person or Persons, shall use, consume, or burn, or begin to use, consume, or burn, any Gas supplied by such Commissioners before he, she, or they shall have given Notice in Writing to the Clerk to the said Commissioners of his, her, or their Intention so to do, then and in every such Case all and every Person or Persons so offending shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Five Pounds, in addition to the Value of such Gas, or to such Rent or Sum or Sums of Money for such Gas as shall or may have been contracted to be paid by the last preceding Occupier of the said Premises, in proportion to the Time the same shall be so used, consumed, or burned; such Value, Rent, or Sum or Sums of Money to be ascertained by any Justice or Justices of the Peace for the said County of *Devon*.

Clerks, &c. of Commissioners may inspect Houses, &c. lighted with Gas or using Water supplied by them.

LXXV. And be it further enacted, That it shall be lawful for the said Commissioners, or for any Engineer, Surveyor, or other Person acting by or under their Authority, between the Hours of Nine of the Clock in the Morning and Ten of the Clock in the Evening of any Day, giving One Hour's Notice of their or his Intention so to do, to enter and inspect all Buildings and Places lighted with Gas supplied by the said Commissioners, in order to ascertain whether in any such Buildings or Places a greater Number of Sets or Lights of Gas supplied by the said Commissioners shall be used than shall have been agreed for with such Commissioners, and whether any Aperture or Apertures shall be wider than agreed with the said Commissioners, and whether the Meter or Meters which may be used for ascertaining the Quantity of Gas consumed shall be in anywise injured or destroyed; and also that it shall be lawful for the said Commissioners, or for any Engineer, Surveyor, or other Person as aforesaid, from Time to Time between the Hours aforesaid in any Day, giving such Notice as aforesaid, to enter any House, Building, or other Premises supplied with Water by the said Commissioners, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Commissioners, and if the Pipes or Cocks be in good and proper Repair; and if the said Commissioners, or such Engineer, Surveyor, or other Person, shall at any such Time, and having given such Notice as aforesaid, be refused Admittance or Entrance into any such House, Building, or other Premises,

mises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall be lawful for said Commissioners to cut and turn off, or cause to be cut and turned, from such House, Building, or other Premises, the Gas or Water, as the Case may be, supplied by them; but such Suspension or Discontinuance of such Supply of Gas or Water shall not prevent the said Commissioners from recovering the Rents then due for or in respect of such Supply.

Penalty on Persons laying Pipes to communicate with Commissioners Pipes without Consent, or using more Gas, &c.

LXXVI. And be it enacted, That if any Person or Persons shall place or cause to be placed any Pipe or Burner to communicate with any Pipe belonging to the said Commissioners without the Consent of the said Commissioners, by means of their Clerk or other Officer for that Purpose appointed, first had and obtained, or shall knowingly use any Burner or Burners of larger Dimensions, or of a different Form, or more in Number, or for a greater Space of Time than he, she, or they respectively shall contract or pay for, so as to waste or improperly increase the Consumption of Gas, he, she, or they shall forfeit and pay to the said Commissioners any Sum not exceeding the Sum of Five Pounds, and also any Sum not exceeding Five Shillings a Day for every Day each such Pipe or Burner shall so communicate, or each such Burner or Burners of larger Dimensions, or of a different Form, or more in Number than contracted for, shall be used, or such Excess shall be so committed; and if any Person shall wilfully or maliciously remove, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter or Thing, belonging to the Gas Works of the said Commissioners, or to any Company or Companies of Proprieters, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, or shall wilfully injure or destroy any Meter or Meters which shall be placed or used in any House, Warehouse, Building, or other Place for ascertaining the Quantity of Gas supplied by the said Commissioners which shall be used in such House, Warehouse, Building, or other Place, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall forfeit and pay to the said Commissioners, or to the Party or Person injured, Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by any Justice or Justices of the Peace for the said County of *Devon*, not being a Commissioner or Commissioners under this Act; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels; or such Offender shall or may be committed to the Common Gaol of the said County, there to remain for any Time not exceeding Three Calendar Months.

Water Mains to be kept full.

LXXVII. And be it enacted, That all the Mains to be laid down and used by virtue of this Act for the said Waterworks shall at all Times be kept charged to the full with Water, if possible.

Commissioners to fix Fire Plugs.

LXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required, upon the carrying into and laying down any Main Pipe in any Street, Passage, or Place for supplying the same

same with Water, to fix and place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, One or more proper and sufficient Fire Plug or Fire Plugs in each such public Street, Passage, or Place supplied with Water from such Main Pipe for the Supply of Water for the extinguishing of Fires, and when and so soon as any such Fire Plug shall be finished the said Commissioners shall thereupon leave a Key or Keys of such Fire Plug or Fire Plugs at each Place within the said Town where any Engines shall be kept for the extinguishing of Fires.

Existing Projections to be removed by Commissioners.

LXXIX. And be it enacted, That the said Commissioners may from Time to Time at their own Expence cause all or any of the Rails, Posts, Chains, Fences, Steps, Porches, Porticoes, projecting Chimneys, Bow-windows, Cellar Windows, Cellar Doors, Hatchways, Coal Vaults, Lids, Signs, Sign-posts, Showboards, and other Obstructions and Projections whatsoever which are already erected, affixed, set up, laid down, standing or being against or in front of or belonging to any Houses or other Buildings or Premises whatsoever, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into, or otherwise obstructing, annoying, or endangering, the public Passage along any of the Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places within the said Town, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as the said Commissioners shall think most proper and expedient, whether the same shall or shall not stand or be upon any Part of the public Highway along any of the said Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places within the said Town, or shall or shall not, according to the Intendment of the Law, be Encroachments upon the same, and to throw into and make Part of the public Highway along the said Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places such Parcels of Land as may be inclosed by any of the said Rails, Posts, Chains, or Fences so taken down, removed, or altered, and the Sites on which such Steps or other Projections whatever have been built, and shall or may be standing; the said Commissioners nevertheless first giving Sixty Days Notice of their Intention to take down, fill up, remove, carry away, alter, or reform such Annoyances or Nuisances respectively to the respective Owners or Occupiers of such Houses or other Buildings or Premises, and causing as little Damage to be done in effecting every such Removal or Alteration as the Nature of the Case will allow: Provided nevertheless, that the said Commissioners shall and they are hereby required to make reasonable Satisfaction and Compensation to the several Owners and Occupiers of such Houses or other Buildings or Premises for any Damage or Injury which shall be done thereto in consequence of such Removal or Alteration as aforesaid; and if the said Commissioners and such Owners and Occupiers cannot agree as to the Sum to be paid by the said Commissioners, the Amount thereof shall be ascertained, fixed, and determined by any Two or more Justices of the Peace of the said County of *Devon*, not being Commissioners under this Act.

Future Projections to be removed by Occupiers.

LXXX. And be it enacted, That the several Owners or Occupiers of Houses, Buildings, and Premises situate in the several Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places within the Town aforesaid, and every of them, are hereby required at their Expence respectively,

tively, within Sixty Days next after their respectively receiving Notice in Writing from the said Commissioners, to cause all and every the Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Coal Vaults, Lids, Signs, Sign-posts, Showboards, and other Obstructions and Projections whatsoever, which shall hereafter be erected, affixed, set up, or laid down, or stand or be against or in front of or belonging to their respective Houses, Buildings, or Premises, 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 obstructing, annoying, or endangering the public Passage along any of the said Streets or other public Places, to be taken down, filled up, removed, and carried away, or otherwise altered or re-formed, within such Time and in such Manner as shall be directed by the said Commissioners; and in case the Owner or Occupier of any such House, Building, or Premises as aforesaid shall neglect or refuse to cause any such Matter or Thing so adjudged to be a public Annoyance or Nuisance as aforesaid to be taken down, filled up, removed, and carried away, or otherwise altered or re-formed, within the Time and in manner aforesaid, then and in every such Case the said Commissioners may cause the same to be forthwith done, and the Costs and Charges attending the same shall and may be recovered from such Owner or Occupier in manner herein-after directed: Provided always, that the Occupier of any such House or 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, and not being the Person who originally made or occasioned such Annoyance or Nuisance, shall and may deduct and retain the Amount thereof out of his Rent, and the Proprietor or Person entitled to the said Rent is hereby required to allow the same accordingly.

Regulations relative to rebuilding Houses, &c.

LXXXI. And be it enacted, That when any House or Building the Front, Foundation, or any Part of which now stands or projects beyond the regular Line of the Street or Place in which the same is or shall be situated, or beyond the Front of the Houses or Buildings on each Side or of the House or Building on either Side thereof, in any of the Streets or public Places within the said Town, or within Fifteen Feet from the Middle or Centre of the Street, Lane, or Road in which such House or Building is or shall be situated, shall be taken down to be rebuilt or altered either wholly or in part, or shall be either partially or entirely destroyed by Fire or other Accident, so as in any Case to require to be rebuilt, the same shall be set back to the Line of the Street or Place aforesaid, or the Line of the adjoining Houses or Buildings or House or Building, in such Manner as shall to the said Commissioners appear most convenient and expedient for the Improvement of such Street or Place, or shall be set back to such a Distance from the Middle or Centre of the said Street, Lane, or Road in which the same shall be situated as aforesaid, as shall appear to the said Commissioners expedient for the widening of the said Street, Lane, or Road; and in Cases where the next Houses or House, Buildings or Building, shall not adjoin the House or Building to be so taken down, but shall be separated therefrom by any Street, Way, or Ground, then the same shall be set back to the Line of such Street or Place, or of such House or Building on either Side thereof, or to such Distance from the Middle or Centre of the said Street or Place, as the said Commissioners shall direct; and it shall be lawful for

the said Commissioners to order and cause any House or Building which shall be rebuilt or erected contrary to the Provisions of this Act to be taken down, altered, or regulated at the Expence of the Owner or Proprietor thereof, to be recovered in manner in this Act mentioned for the Recovery of Damages and Expences.

Power to compensate Owners of Buildings set back to improve the Streets.

LXXXII. And be it enacted, That where any House or Building shall be in the whole or in part altered, amended, or rebuilt pursuant to the Provisions herein contained, and by reason thereof the Owner or Proprietor of such House or Building shall have suffered Loss or Damage, it shall be lawful for the said Commissioners and they are hereby required to tender and make full Compensation to such Owner or Proprietor for such Loss or Damage; and in case the Amount of the Compensation for such Loss or Damage tendered by the said Commissioners shall be disputed, the Amount of the same shall be ascertained and settled in manner herein-after mentioned: Provided always, that it shall be lawful for the said Commissioners and they are hereby empowered to admit any Buildings to be advanced and brought forward for the Purpose of improving and conforming to the general Line of the Street or Place in which such Buildings shall be situate, or of the Building or Buildings adjacent thereto.

Houses building or repairing to be fenced in.

LXXXIII. And be it enacted, That when at any Time hereafter, by reason of the erecting, building, altering, repairing, or enlarging any House, Wall, or Building within the aforesaid Town, any of the said public Streets or Places shall or may be in any Manner obstructed or rendered dangerous and unsafe, every such House, Wall, or Building shall be well and sufficiently fenced in and inclosed by and at the Expence of the Owner or Occupier thereof before such House, Wall, or Building shall be begun to be erected, built, altered, repaired, enlarged, or taken down, and shall so continue during such Time as the said Commissioners or their Surveyor shall order and direct; and if the Owner or Occupier of such House, Wall, or Building shall refuse or neglect to fence in and inclose the same according to such Order and Direction, or to remove such Fence or Inclosure when ordered and directed so to do by the said Commissioners or their Surveyor, then and in either of the said Cases every such Owner or Occupier shall for every such Refusal or Neglect, or for every Day such Offence shall be continued, forfeit and pay any Sum not exceeding Forty Shillings; and moreover, in case of such Refusal or Neglect, it shall be lawful for the said Commissioners immediately afterwards to cause such House, Wall, or Building to be well and sufficiently fenced in and inclosed, or such Fence or Inclosure to be removed and taken away, as the Case may be, and the Person so neglecting or refusing as aforesaid shall (over and above the said Penalty) repay all the Charges and Expences thereof, to be recovered in such Manner as is herein-after directed for the Recovery of Penalties.

Penalty on firing Chimnies.

LXXXIV. And be it enacted, That if any Person or Persons shall set fire to, or cause, permit, or suffer the Chimney of any House, Workshop, Outhouse, or other Building within the aforesaid Town to be on fire, the Person setting fire to the same, or the Occupier of every such House, Workshop, Outhouse, or other Building, or of any Part or Parts thereof, in which such Fire shall happen, shall forfeit and pay for every such Offence

Offence any Sum not exceeding Ten Shillings, unless he can prove to the Satisfaction of the Justice before whom he shall have been summoned that the same arose from inevitable Accident, and not for Want of Care or Attention.

Regulations relative to thatching Buildings.

LXXXV. And be it enacted, That no Person or Persons whosoever shall at any Time hereafter cover any House or other Building within the said Town, (unless the said House or Building shall be distant Three hundred Feet at the least from any continuous Line of Houses or Buildings, or from any Number of Houses or Buildings exceeding Two which shall be standing together, and occupied by any other Person or Persons,) either wholly or in part, with any Straw or Thatch, nor shall cause or procure any such House or Building, other than as aforesaid, to be covered with such Materials, under pain of forfeiting and paying for every such Offence the Sum of Twenty Pounds; and it shall be lawful for the said Commissioners to order and cause any Straw or Thatch which shall be placed on any House or Building, other than as aforesaid, within the said Town, 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 or their Surveyor for such Purpose, upon Five Days previous Notice being given to the Owner or Occupier of such House or other Building; and such Person or Persons so authorized or employed shall not be deemed a Trespasser or Trespassers by reason of his or their doing the same, nor be liable to any Action, Indictment, or other Proceeding at Law for or on account of the same; and it shall be lawful for the said Commissioners at any Time within Three Years from the passing of this Act, if they shall think proper, to allow and pay to any Owner or Occupier of any House or Building now covered with Thatch in the said Town, and who shall be willing to remove such Thatch, the Whole or any Part of the Expence of re-covering such House or Building with other Materials, and to pay the same out of the Monies to arise by virtue of this Act.

Buildings already thatched may be repaired for Twenty Years.

LXXXVI. And be it enacted, That it shall be lawful for the Owners or Occupiers of Houses or Buildings within the said Town which at the Time of the passing of this Act shall be covered with Straw or Thatch to continue the same, and from Time to Time to repair the said Straw or Thatch as Occasion shall require, for and during the Period of Twenty Years from the Day of the passing of this Act; provided that from and after the Day on which the said Period of Twenty Years shall expire it shall be lawful for the said Commissioners to order and cause any Straw or Thatch which shall then be continuing or shall be then on any House or Building, other than as aforesaid, within the said Town, to be taken down and removed by any Person or Persons authorized or employed by the said Commissioners or their Surveyor for such Purpose, upon Five Days previous Notice being given to the Owner or Occupier of any such House or Building; and such Person or Persons so authorized or employed shall not be deemed a Trespasser or Trespassers for or by reason of his or their doing the same, nor be liable to any Action, Indictment, or other Proceeding at Law for or on account of the same: Provided also, that after the Expiration of the said Period of Twenty Years no Compensation shall be paid

paid by the said Commissioners to any Person or Persons for or on account of the Removal or taking down of any Straw or Thatch in manner aforesaid by or by the Order of the said Commissioners, nor any Part of the Expence of re-covering any House or Building with other Materials.

Power for Commissioners to undertake the Repair of any of the Ways, &c. with Consent of the Inhabitants and by Order of Justices.

LXXXVII. And be it enacted, That if the said Commissioners shall at any Time hereafter think it expedient to take into their own Control and Management the Repair and Maintenance of any of the present or future Squares, Roads, Streets, Lanes, Ways, or other public Passages or Places, either Carriageways or Footways, within the said Town, it shall be lawful to and for the said Commissioners, having first obtained the Consent of the Inhabitants in Vestry assembled of the Parish in which such Square, Road, Street, Lane, Way, or other public Passage or Place, or Part thereof respectively, the Repair and Maintenance whereof the said Commissioners shall be desirous to take into their own Control and Management, shall happen to be, and having given Ten Days Notice to the Surveyor of the Highways of the said Parish of their Intention so to do, to apply to the Justices at any Special Sessions for the Highways within the Division for an Order directing that from and after a Day to be specified in the said Order the Repair and Maintenance of such Part or Parts of the said Squares, Roads, Streets, Lanes, Ways, or other public Passages or Places as shall be described therein shall be placed under the Control and Management of the said Commissioners.

Power to Justices to make such Order, and to direct Surveyors of Highways to pay Money to Commissioners for that Purpose.

LXXXVIII. And be it enacted, That the said Justices shall and they are hereby required to examine and determine the Matter of the said Application, and if they shall think proper to comply with the Prayer of the said Application, then they shall make an Order under their Hands or the Hands of the major Part of them assembled at the said Special Sessions, directed to the Surveyor of the Highways of the Parish in which the Part or Parts of the Squares, Roads, Streets, Lanes, Ways, or other public Passages or Places within the said Town, the Repair and Maintenance of which the said Commissioners shall be desirous to take into their own Control and Management, shall be situate, which Order shall be binding on the said Parish, and on every Surveyor to be appointed in and for the same, and also on the said Commissioners; and the said Order shall distinctly set out and specify the Part or Parts of the said Squares, Roads, Streets, Lanes, Ways, or other public Passages or Places, the Duty and Care of maintaining and repairing which shall, from and after a Day to be named in the said Order, absolutely devolve upon and be vested in the said Commissioners; and the said Justices shall, in and by the same Order, direct the said Surveyor and his Successor or Successors to pay to the said Commissioners or to their Treasurer for the Time being, from and out of the Monies to arise from the Rate to be from Time to Time made for the Repair of the Highways within the said Parish, such Sum or Sums of Money as to the said Justices shall seem proper and sufficient to enable the said Commissioners to preserve such Squares, Roads, Streets, Lanes, Ways, or other public Passages and Places in proper and substantial Repair; which Sum or Sums of Money shall be piad by the said Surveyor, or his Successor or Successors, at such Days and Times and in such Manner as the said Justices shall by the said Order direct and appoint, and in default of Payment shall be recovered by the said Commissioners in

the same Manner as any Penalties and Forfeitures are recoverable under this Act.

After such Order the Surveyors relieved from the Repair of the Ways, &c. therein specified;

LXXXIX. And be it enacted, That from and after the Day which shall be specified in the said Order the said Surveyor shall not be required to see to the Repair of so much of the Squares, Roads, Streets, Lanes, Ways, or other public Passages or Places as shall be specified in the said Order, but all the Powers, Duties, and Liabilities of the said Surveyor, so far as the same apply to the Squares, Roads, Streets, Lanes, Ways, or other public Passages or Places, or such Parts thereof as are specified in the said Order, shall belong to and be exercised by the said Commissioners, or their Surveyor or Surveyors, Agent or Agents, in as ample Manner and Form as they would or might be by the said Surveyor if this Act had not been passed; and the Receipt or Receipts of the said Commissioners or their Treasurer for such Sums of Money as shall be paid to them or him by the said Surveyor under or by virtue of the said Order, shall be a sufficient Voucher or Vouchers for the Allowance to the said Surveyor of all such Sums as shall be mentioned therein upon the passing of the Accounts of such Surveyor.

and such Ways, &c. shall vest in the Commissioners and be repaired by them.

XC. And be it enacted, That from and after the Day which shall be specified in the said Order all such Parts of the present and future Squares, Roads, Streets, Lanes, Ways, and other public Passages and Places, whether Carriageways or Footways or both, within the said Town, as shall be described in the said Order, and the Pavements, Stones, Gravel, and all the other Materials of, in, or belonging to the same respectively, shall belong to and be the Property of and the same are hereby absolutely vested in the Commissioners for executing this Act; and it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time, when and so often and in such Manner as they shall think necessary, to cause the same Squares, Roads, Streets, Lanes, Ways, or other public Passages and Places within the said Town to be paved, macadamized, flagged, made, formed, repaired, and amended, and the same, and the Pavements, Flagging, and other Materials thereof to be taken up and relaid or renewed, and the Ground and Soil thereof to be raised, lowered, or altered from Time to Time, in such Manner, and with such Materials, and with such Drains, Gutters, Sinks, Watercourses, or Gratings therein, as the said Commissioners shall think proper, and to erect or set up any Posts, Rails, Pales, or Fences in or near any of the said Squares, Roads, Streets, or other public Passages or Places, which they the said Commissioners may think proper for the better Security of Passengers, Cattle, or Carriages, or otherwise, as to them the said Commissioners shall seem expedient.

Not to affect Road over the Teignmouth and Shaldon Bridge.

XCI. And be it enacted, That nothing herein-before contained shall extend to or be construed to affect the Carriageway or Footway in, over, and along the public Bridge called the *Teignmouth and Shaldon Bridge*, nor the Approaches thereto, nor any Part thereof.

Commissioners of Roads not to repair any Street in the Town.

XCII. And be it further enacted, That it shall not be lawful for the Trustees of any Turnpike Road to lay out and expend any of the Monies collected on the said Road, or borrowed on the Security of the Tolls thereof,

thereof, or in any Manner arising therefrom, in or about repairing or amending any Street within the said Town of *Teignmouth*, or any Way or Ways within the Limits of this Act, on which Houses shall be built on both Sides adjoining the same.

Commissioners to view new Streets, and direct them to be levelled and prepared for paving.

XCIII. And be it enacted, That it shall be lawful for the said Commissioners, or any Three or more of them, to view and inspect any of the Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places which may hereafter be made within the said Town; and if upon such View they shall be of opinion that the same, or any Part or Parts thereof, is or are fit and proper to be paved, macadamized, or flagged, it shall be lawful for the said Commissioners at any of their Meetings, after such View, to order or direct their Surveyor, or other Person to be by them for that Purpose appointed, to cause the Ground of the intended Footway opposite to the Fronts and flank Walls of the respective Messuages or Tenements, Shops, Warehouses, Coach-houses, Stables, or Buildings, in any such Square, Road, Street, Lane, Way, Passage, or other public Place, to be raised or lowered, levelled, and well and sufficiently rammed down, formed, and made ready for paving, macadamizing, or flagging, and the Ground of the intended Carriageway well and sufficiently formed, as soon as conveniently may be; and all the Charges and Expences attending the preparing such Ground shall be paid by the respective Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of such Premises, and shall be recovered and levied upon the Goods and Chattels of such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of such Premises, or upon the said Premises, in such Manner as any Rate or Assessment to be made under this Act may be recovered and levied.

Power for recovering such Expences.

No Alteration of the Pavements or Drains without the Consent of the Commissioners.

XCIV. And be it enacted, That no Person shall at any Time take up, remove, or alter, or cause to be taken up, removed, or altered, any Part of the Pavements, Flags, Stones, Gravel, or other Materials, or the Surface of the Carriageways or Footways, where the same are vested in or under the Management of the said Commissioners, or the Gutters, Sinks, Drains, or Watercourses, or any of them, within the aforesaid Town, or the Ground or Soil under the same, without the previous Consent of or otherwise than as shall be directed or allowed by the said Commissioners, upon pain of forfeiting for every such Offence any Sum not exceeding Five Pounds, and also any further Sum not exceeding Ten Shillings for each Day such Offence shall continue after the Expiration of Three Days from the Time Notice in Writing to remove such Offence or the Cause thereof shall have been given by the said Commissioners or their Surveyor; and where such Alteration shall be made with such Consent or Direction as aforesaid the same shall be made at the Expence of the Person requiring the same, or to whom such Consent or Direction shall be so given as aforesaid; and in case any Person shall cause any such Alteration to be made without such Consent or contrary to such Direction, and shall refuse or neglect to remove and restore the same to its former State or Condition, the said Commissioners may and they are hereby authorized to remove such Alteration, and to restore and make good the Pavement or Surface, Gutter, Sink, Drain, or Watercourse, Ground or Soil, to the State in which it was before such Alteration was so made, or as near thereto as Circumstances will admit; and the Charges and Expences attending

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the Restoration thereof shall be paid by the Person who so caused such Alteration to be made, and shall be recovered in the Manner herein-after directed for the Recovery of Penalties.

No Vaults or Drains to be made under the Foot-ways, &c. without the Consent of the Commissioners.

XCV. And it be enacted, That no Person shall make or build any Vault or Drain upon or under any of the Foot or Carriage Ways either in the Front, behind, or at the End of any House, Building, or Premises in any of the Streets or Places within the aforesaid Town, without Leave of the said Commissioners first obtained for that Purpose, nor unless the same shall be substantially made to the Satisfaction of the said Commissioners or their Surveyor; nor shall any Person make such Vault or Drain so as to interfere with any Common Sewer or Drain in any of the said Streets or Places, nor dig out Earth or leave any Hole in any such Street or Place, before any House, Building, or Premises, or elsewhere, for the Purpose of making any such Vault or Drain, or any other Purpose whatsoever, without the Consent of the said Commissioners or their Surveyor, nor without inclosing the same in a good and sufficient Manner, to be approved of by the said Commissioners or their Surveyor, nor shall keep up such Inclosure longer than shall be necessary in the Opinion of the said Commisioners or their Surveyor, under the Penalty of any Sum not exceeding Five Pounds for every such Offence, and the further Penalty of any Sum not exceeding Ten Shillings for every Day that such Offence or Annoyance shall be continued after Notice to remove or abate the same; and in case of any Refusal or Neglect to inclose any such Opening, or to remove or abate such Offence or Annoyance, it shall be lawful for the said Commissioners to cause the same to be done, and the Person so refusing or neglecting shall, over and above the said Penalties, repay all the Charges and Expences thereof to the said Commissioners.

For cleansing the Streets, &c.

XCVI. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to purchase or hire any Cart or Carts, Water-cart or Water-carts, or other Carriage or Carriages, and also any Horse or Horses for drawing the same, for carrying away Dirt and Ashes and Rubbish from and for the watering of the said Squares, Roads, Streets, Lanes, Ways, or other public Passages and Places within the said Town, or any of them, and for other Purposes in the Execution of this Act; and also to purchase, hire, or otherwise provide Land and Buildings fit and convenient for depositing the Dirt, Dung, Ashes, and other Filth to be swept and collected under the Authority of this Act, and for the Accommodation and Deposit of all Horses, Carts, Tools, and 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 also to cause any Wells, Pumps, Pipes, Tanks, Reservoirs, and other Apparatus to be sunk, made, or laid down in any Part of the aforesaid Town, and to cause the same to be removed, altered, and repaired when necessary and as they shall think fit; and also to nominate, appoint, and employ any Person or Persons to cleanse and water the said Squares, Roads, Streets, Lanes, Passages, and other public Places, and to carry away the Dust, Dirt, Cinders, or Ashes from any House or Houses or other Premises within the aforesaid Town, at such Seasons and Times as the said Commissioners shall think proper.

XCVII. And

Scavenger's Duty.

XCVII. And be it enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing and watering the said Squares, Roads, Streets, Lanes, Ways, Passages, and other public Places, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners, shall, on such Days and at or between such Hours as the said Commissioners shall from Time to Time appoint, well and sufficiently water the said Squares, Roads, Streets, Lanes, Ways, and other public Places, and sweep and collect together all Dust, Dirt, Filth, or Rubbish in such Squares, Roads, Streets, Lanes, Ways, Passages, and other public Places, and shall also bring or cause to be brought a Cart or other proper Carriage in such Squares, Roads, Streets, Lanes, Ways, Passages, and other public Places where such Cart or other Carriage can pass, and such Person or Persons so employed by or contracting with the said Commissioners shall immediately take the Dust, Dirt, Rubbish, Cinders, Ashes, and Filth (except Filth from any Privy or Necessary House, and such Dirt or Rubbish as herein-after mentioned,) from the respective Premises in such several Streets, Lanes, public Passages and Places, and put the same in such Cart or Carriage; all which Dust, Dirt, Rubbish, Cinders, Ashes, and Filth (except as aforesaid), as well as all such Dust, Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, 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 for depositing the same, upon pain of forfeiting any Sum not exceeding Five Pounds for every Offence or Neglect therein.

Penalty on Persons other than Scavengers collecting Dust, Dirt, &c.

XCVIII. And be it enacted, That if any Person other than the Person employed by or contracting with the said Commissioners for cleansing the Squares, Roads, Streets, Lanes, Ways, Passages, and other public Places within the aforesaid Town, or those employed under the Person so employed or contracting as aforesaid, shall on any Pretence whatsoever collect or gather, or ask for, receive, or carry away, any Dust, Dirt, Dung, Cinders, or Ashes (except Dirt or Rubbish of Buildings, and for occasioning and leaving which no Penalty is to be inflicted as herein-after mentioned,) from any Street, or other public Way, Passage, or Place, or any Dust, Dirt, Cinders, or Ashes from any House or other Premises, within the aforesaid Town, he shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Nothing herein to prevent Persons disposing of their own Ashes, &c.

XCIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants of the said Town from reserving and keeping any Ashes, Dust, Dirt, Soil, Rubbish, Muck, or Manure within their own Yards, Gardens, and Premises, or otherwise disposing of the same for their own Use and Benefit, so as such Ashes, Dust, Dirt, Soil, Rubbish, Muck, or Manure be not laid down or placed in any of the said Streets, Squares, Lanes, and other public Passages and Places for any longer Time than shall be necessary for the loading and carrying away the same, or be suffered to annoy any of the said Inhabitants; but in case any Person so reserving and keeping any such Ashes, Dust, Dirt, Soil, Rubbish, Muck, or Manure shall permit the same to remain and continue in any of the said Streets, Squares, Lanes, and other public Passages and Places, so as

as to annoy the Inhabitants of the said Town, and shall not remove the same after Notice in Writing given to him, her, or them by the Commissioners or their Surveyor to remove the same, such Person shall forfeit and pay any Sum not exceeding Ten Shillings for every Day such Annoyance shall remain after such Notice as aforesaid.

Time appointed for emptying Privies, &c.

C. And be it enacted, That if any Person shall empty or begin to empty any Privy or Water Closet, or to take away any Nightsoil, or other noisome or offensive Materials, Matters, or Things, except Horse and Cow Dung, from any House, Building, or Place within the aforesaid Town, or shall carry and convey, or cause to be carried or conveyed, any Nightsoil, or other noisome or offensive Materials, Matters, or Things, in or through any of the said Streets, Roads, Lanes, Ways, Passages, or Places, except between the Hours of Twelve of the Clock at Night and Five of the Clock in the Morning, or such other Time as the said Commissioners shall direct or appoint, or if any Person shall wilfully or negligently put, cast, or spill, or cause or suffer to be put, cast, or spilled, any Nightsoil or other noisome or offensive Materials, Matters, or Things, in or on any of the said Streets or Places, or into any of the said Sewers, Sinks, Drains, Gratings, or Watercourses within the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

When and where Nightsoil, &c. may be deposited on the Beach.

CI. And be it enacted, That if any Person shall deposit or cause to be deposited on the Beach of the Sea or of the said River *Teign*, within the Limits of this Act, any Nightsoil, or other noisome or offensive Material, Matter, or Thing, at any other Hour of the Day or Night than those at which the Tide shall be flowing, and shall have at the least Three Hours to flow before the Time of High Water, or shall not, in depositing such Nightsoil, or other noisome or offensive Material, Matter, or Thing, carry the same into and leave the same in the Water of the said Sea or River so as that no Part thereof shall be suffered to lie and be exposed on the said Beach of the Sea or of the said River *Teign*, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Footways to be swept daily.

CII. And be it enacted, That every Owner or Occupier of any House, Tenement, Warehouse, Shop, Shed, Coach-house, Stable, Chapel, Meeting-house, or other public or private Building, Garden, Yard, Backside, Land, or Ground, now or hereafter to be situate in any of the Squares, Roads, Streets, Ways, Passages, or other public Places within the aforesaid Town, and along which any Footway or Foot Pavement now is or shall be made or laid, shall from Time to Time and at all Times hereafter on every Day (*Sunday* excepted), and also on *Sundays* during the Continuance of Frost or after or during any Fall of Snow, before the Time of Nine of the Clock in the Forenoon of each Day, sweep and cleanse, or cause to be swept and cleansed, the Footway all along the front, side and back Walls of their respective Houses, Tenements, Warehouses, Shops, Sheds, Coach-houses, Stables, Chapels, Meeting-houses, or other public or private Buildings, Gardens, Backsides, Land, or Ground; and every Owner or Occupier who shall neglect so to do shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings; and the Owner or Owners of any

House or other Tenement within the same Town which may be let furnished or in any divided Apartments shall be deemed and taken, for the Purposes of this Provision, to be the Occupier or Occupiers of every such House or other Tenement respectively.

Power to make Common Sewers, &c.

CIII. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time and at all Times hereafter, to cause any public Sewers to be made through or under any of the said Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places within the aforesaid Town, for carrying off or discharging Filth, Mud, or Water, and from Time to Time to alter, change, stop, or renew the same as they may think proper, and also to cause any of the present or future public Drains, Gutters, or Watercourses therein to be enlarged, altered, arched, or covered over, tunnelled or cleansed, or stopped up or opened, or the Form or Course thereof to be altered, turned, varied, changed, or diverted, in such Manner as the said Commissioners shall think expedient, and also from Time to Time to cause Grates to be placed on or over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situations of the present or any future Grates placed or to be placed over the same, in such Manner as the said Commissioners shall think proper.

The Commissioners to make and cleanse private Drains, &c. in case of the Neglect of the Owners.

CIV. And be it enacted, That it shall be lawful for the said Commissioners to order their Surveyor, or any other Person or Persons employed by them, and such Surveyor or other Person or Persons is and are hereby respectively authorized and empowered, from Time to Time to open, scour, cleanse, widen, straighten, make deeper, turn, alter, or vary any of the present or future private Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses running into, over, under, through, or upon any of the Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places within the aforesaid Town, or to make or cause to be made any new private Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses in, through, under, over, or adjoining to any such Squares, Roads, Streets, Lanes, Ways, Passages, or other public Place, for the Purpose of conveying, draining, and taking away any Filth, Dirt, or Refuse Water, and preventing the same from running over the Surface of the Squares, Roads, Streets, Lanes, Ways, Passages, and other public Places, in case the Owner or Owners or Occupier or Occupiers of the Messuages, Buildings, Lands, or Tenements adjoining the same shall neglect or refuse so to do for Ten Days next after Notice in Writing, signed by the said Commissioners or any Three or more of them, delivered to or left at the last or usual Place or Places of Abode of such Owners or Occupiers, requiring them so to do; and the Costs, Charges, and Expences of such Works so to be done or made by or by the Order of the said Commissioners in manner aforesaid (such Costs, Charges, and Expences being first settled and ascertained by the said Commissioners at some public Meeting,) shall be reimbursed to them or their Treasurer by such Owner or Owners or Occupier or Occupiers, on Demand, or within Ten Days next afterwards; and in case of Nonpayment of such Costs, Charges, and Expences, the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner or Owners or Occupier or Occupiers, by Warrant under the Hand and Seal or Hands and Seals of any Justice or

The Costs and Charges thereof to be paid by the Owners.

Justices

Justices of the Peace for the said County of *Devon*, together with the Expences of such Distress and Sale, returning the Overplus (if any) to such Owner or Owners or Occupier or Occupiers, on Demand.

Power to authorize Parties to carry Branch Drains into Common Sewer.

CV. And be it enacted, That it shall be lawful for the said Commissioners to authorize and empower any Person or 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 Five Pounds.

Power to place Bars across Streets under repair.

CVI. And be it enacted, That it shall be lawful for the said Commissioners or their Surveyor, during such Time as any of the Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places within the aforesaid Town shall be under repair, or during the making or repairing of any Sewers or Drains therein, to cause such and so many Bars, Posts, Rails, and Chains to be fixed, set up, and placed across or in any of the said Squares, Streets, Lanes, Ways, Passages, or other public Places, 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 wilfully and maliciously throw down, break, remove, damage, or injure any of the said Bars, Posts, Rails, or Chains without the Authority or Consent of the said Commissioners, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Commissioners may cause Lamp Irons and Lamps to be put up and to be lighted with Gas, Oil, &c.

CVII. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to cause such Lamp Irons or Lamp Posts, or other Posts, Chains, or Rails, to be set up or affixed upon or against the Walls, Palisades, or Iron Railings, or any other Part of any Houses, Tenements, Buildings, or Inclosures, doing no Damage or Injury thereto, or in such other Manner, within all or any of the present or future Streets or Places within the aforesaid Town, as they shall think proper, and also to cause such Number of Lamps of such Sizes and Sorts to be provided and affixed and put upon such Lamp Irons or Lamp Posts as they shall think necessary for lighting all or any of such Streets and Places, and to cause the same to be lighted with Gas, Oil, or otherwise, at such Times or Seasons as they shall think necessary: Provided always, that it shall not be lawful for the said Commissioners or any Persons whomsoever to carry, lay, place, or fix any Lamp Iron or Lamps, or other Matter or Thing for lighting all or any of such Streets or Places with Gas, Oil, or otherwise, against or on any Dwelling House or private Building, or to continue the same, without the Consent of the Occupier thereof in Writing.

Penalty on wilfully injuring Lamps, &c.

CVIII. And be it enacted, That if any Person shall wilfully deface, break, throw down, displace, spoil, or injure any Lamp, Lamp Iron, Lamp Post, or any Furniture thereof, the Property of the said Commissioners or

or any Person contracting with them, or wilfully extinguish the Light of any such Lamp, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and also shall make full Satisfaction to the said Commissioners or the Party injured for the Damage which shall have been done thereby.

Persons accidentally damaging Lamps to make good the same.

CIX. And be it enacted, That if any Person shall carelessly or accidentally break, throw down, destroy, or otherwise injure or damage any of the Lamps, Lamp Irons, Lamp Posts, or Gas Pipes belonging to the said Commissioners, or any Person contracting with them, or any other Article, Matter, or Thing belonging to the said Commissioners, and shall not immediately upon Demand make Satisfaction to the said Commissioners or to such Contractor (as the Case may be) for the Damage so done, it shall be lawful for any Justice of the said County of *Devon*, upon Complaint made, to summon the Party complained of, and upon hearing the Parties on both Sides, or on the Confession or on the Non-appearance of the Party complained of, to examine the Matter of Complaint, and award such Sum or Sums of Money by way of Satisfaction to the said Commissioners or to such Contractor (as the Case may be) for such Damage as such Justice shall think reasonable; and in case of Refusal or Neglect forthwith to pay such Money, then the same and all Expences attending the Recovery thereof may be levied and recovered as any Penalty or Forfeiture is by this Act directed to be levied and recovered.

Commissioners empowered to cause Houses to be numbered and to name Streets.

CX. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to cause the several Houses and other Buildings in the said several Streets and Places within the aforesaid Town to be numbered, and also to cause to be affixed or painted on a conspicuous Part of any House or Houses, Building or Buildings, Place or Places, at or near each End, Corner, or Entrance of such Streets and Places respectively, the Names by which the same are respectively to be called or known, in such Manner as they shall judge most proper for distinguishing the same; and if any Person shall wilfully or maliciously destroy, pull down, or deface any such Number or Name, or any Part thereof, or shall fix or put any Number or Name different from the Number or Name fixed or put by or by the Order of the said Commissioners, or shall cause or procure the same to be done, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and if the Occupier of any such House or Building shall not restore such Number within Seven Days after Notice signed by the Clerk to the said Commissioners, and left at the usual Place of Abode of such Person, every such Person shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence.

For preventing Nuisances in the Streets.

CXI. And be it further enacted, That if any Person shall, upon any of the Footways or Foot Pavements in any of the Streets, Roads, Lanes, Entries, Passages, or public Places within the Limits of this Act, draw, drive, or carry any Wheels, Sledge, Wheelbarrow, Handbarrow, Bier, or other Carriage whatsoever, or roll any Cask or Tub further than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled; or if any Person shall

shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, or shall haul or drag any Timber, Stone, or other Matter or Thing, upon any of the said Footways or Foot Pavements, so as to injure the same or obstruct the free Passage thereof; or shall erect, fix, or use thereon any Stall, Tent, Shed, or Standing Place for the Exhibition or Sale of any Goods, Wares, or Merchandize, or any Block or Working Place, or shall place the same so near to any of the said Footways or Foot Pavements as in any Manner to obstruct the passing thereon; or shall put, place, or lay thereon any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, and suffer the same to remain, so as to cause any Obstruction or Impediment in any of the said Footways or Foot Pavements; or shall, in any Street, Road, Lane, or public Passage, hoop, fire, cleanse, wash, scour, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or beat or shake any Carpet or Mat on any Part of the *Den*, except it be before the Hour of Six in the Morning between the First Day of *March* and the last Day of *September* in any Year, and before the Hour of Eight in the Morning at any other Time of the Year; or if any Person shall hang out or suspend, or cause to be hung out or suspended, any Linen or Woollen Cloth, or any Article of Wearing Apparel, or other Article, Matter, or Thing, for the Purpose of airing the same, upon or from any Door, Window, Balcony, or other Place within any Street within the Limits of this Act, so as to create any Obstruction, Nuisance, or Annoyance; or if any Person shall, in, upon, or within any such Street, Road, Lane, Entry, Passage, or public Place, shoe, bleed, farry, or kill any Horse or other Beast or Cattle (except in case of Accident); or if any Person shall, within any such Street or public Place, exhibit or expose any Stallion, or turn loose any Horse, Mule, Ass, Pig, or other Beast, or shall kill or slaughter, or shall scald, singe, dress, or cut up, any Animal, either wholly or in part; or shall cause or permit any Blood or noisome Fluid to run or flow from any Slaughter-house, Butcher's Shop, or other Place in the said Streets, Roads, Lanes, Entries, Passages, and public Places, or any of them; or shall cause any Privy or Easement within the Limits of this Act to be emptied, except between the Hours of Twelve at Night and Four in the ensuing Morning; or shall at any Time throw out of any Door, Window, or other Place upon any of the said Streets, Roads, Lanes, Entries, Passages, or public Places, any Filth, or other noisome or offensive Matter or Thing, or any Water, except for the Purpose of cleansing such Streets, Roads, Lanes, Entries, Passages, or public Places, in pursuance of the Directions of this Act; or shall lay or deposit, or shall cause or permit to be laid or deposited, the Contents of any such Privy or Easement, or any Part thereof, in any such Street, Road, Lane, Entry, Passage, or public Place; or shall, for the Purpose of obtaining or collecting Manure or Soil, or for any other Purpose whatsoever, stop up or impede the Course or Passage of any Common Sewer, Drain, Ditch, or Watercourse; or if any Person shall permit or suffer any Dog whatsoever to go at large within any of the said Streets, Roads, Lanes, Entries, Passages, or public Places, after any public Notice given by the Parish Crier or Bellman by Order of the Commissioners under this Act, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Hydrophobia or Canine Madness; or if any Person shall in any Manner wilfully hinder, obstruct, or prevent the free

Passage of any of the said Streets, Roads, Lanes, Entries, Passages, or public Places, by placing therein any Timber, Wood, Stone, or other Matter or Thing, or any unloaded Carriage of any Sort or Kind soever; or being a Blacksmith or other Person using a Smith's Forge situate in or near any of the said Streets or Carriage or Horse Ways within the Limits of this Act, and having a Door or Window or other Opening 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 or Carriage or Horse Ways; or if any Person shall let off or fire any Blunderbuss, Musket, Gun, Pistol, or other Fire-arms (except in case of absolute Necessity), or shall make or cause to be made or assist in making any Bonfire, or let off, fire, or throw any Cracker, Squib, Rocket, Fireball, or other Fire-work, or play at Foot-ball or any other Game, to the Annoyance of any Inhabitant or Passenger in any of the said Streets, Roads, Lanes, Entries, Passages, or public Places; or shall throw, cast, lay, or sift thereon any Ashes, (except in the Time of Frost only, and to prevent Accidents,) or shall throw, cast, or lay any Dung, Soil, Filth, or Rubbish on the Sea-shore within the Limits of this Act higher than One Foot above Low-water Mark; or shall in any Place within the Limits of this Act bait or cause to be baited any Bull or other Animal; or if any Person shall write or describe any obscene or indecent Language or Figure on any Wall, Door, Post, or public Place within the Limits of this Act; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and it shall be lawful for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender as aforesaid, and forthwith to convey him before any Justice of the Peace for the said County of *Devon*, in order to his Conviction of such Offence, in case such Offender shall not, on Demand, state his true Name, Place of Abode, and Quality; and it shall also be lawful for the said Commissioners or any Officer appointed by virtue of this Act, or for any Constable, Tithingman, or Peace Officer, to take away and remove any of the before-mentioned Obstructions or Nuisances at the Expence of the Party occasioning such Nuisance, in case such Party shall not remove the same within a reasonable Time after being required so to do by any Persons whomsoever.

Penalty not to extend to Rubbish occasioned by building.

CXII. And be it 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, Square, Lane, or Passage as aforesaid, in the course of erecting, pulling down, altering, or repairing any Building or Buildings, so as there be sufficient Space, in the Opinion of the said Commissioners or their Surveyor, left in or at the Side of the Street, Square, Lane, or Passage where such Dirt, Rubbish, or Materials shall be placed for Carriages to pass and repass (if the same shall be a Thoroughfare for Carriages), and sufficient Way kept clean for Foot Passengers, by the Person or Persons laying or causing such Dirt, Rubbish, or Materials to be laid as aforesaid, and so as sufficient Light be, at the Expence of such Person or Persons, set and maintained at the Place where

where such Dirt, Rubbish, or Materials shall be so laid, from Sunset to Sunrise, to prevent any Accidents to Carriages, Passengers, or Cattle, and so as such Dirt, Rubbish, or Materials be fenced in such a Manner and within such Time as the said Commissioners, or their Surveyor 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, 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 by any Notice to be given as aforesaid; 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 Ten Shillings a Day for every Day such Dirt, Rubbish, or Materials shall not be fenced in or shall continue unremoved after the Expiration of the Time specified in such Notice, and the Sum of Ten Shillings for every Night such Light shall not be set or maintained as aforesaid.

For preventing the spreading of Canine Madness.

CXIII. And be it enacted, That it shall be lawful for any Justice of the Peace of the said County of *Devon* residing within the said Town or within Seven Miles thereof, in case of Suspicion of the Existence or Prevalence of Canine Madness in the said Town or Neighbourhood thereof, by an Order under his Hand to order or authorize any Person or Persons to be named in such Order, and such Person or Persons is and are hereby authorized accordingly, to destroy all Dogs which shall be found at large and without Muzzles in any of the Streets or Places within the said Town on the Expiration of Twelve Hours after Notice thereof shall have been given within the said Town by the public Crier of either of the Parishes within the same, and after a Notice shall have been posted up within the said Town by Direction of the said Justice, setting forth the Order of such Justice, and requiring all Persons to confine or muzzle their Dogs.

Slaughter-houses, Hogstyes, and other Erections to be removed if deemed an Annoyance.

CXIV. And be it enacted, That in case any Foundry, Candle-house, Melting-house, or Melting-place, Soap-house, Slaughter-house, Hogstye, Boiling-house for Offal, or Place for the depositing or screening or sifting of any Lime or Ash-dust, the same being uninclosed, or any Necessary House, Dunghill, Manure Heap, or other noisome or offensive Depository or Building, Place, or Matter whatsoever, in or near any of the said Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places within the said Town, shall, in the Judgment of the said Commissioners, be a Nuisance to the Inhabitants of the said Town, it shall be lawful for any Two Justices of the said County of *Devon*, upon Complaint thereof to them made by or on behalf of the said Commissioners, and after due Investigation of such Complaint, by Notice in Writing under their Hands to order every such Nuisance or offensive Matter to be remedied or removed within Two Days after such Notice given to such Owner or Owners, Occupier or Occupiers of the Premises wherein such Nuisance or Annoyance shall be situate or arise, or to the Person or Persons on whose Behalf the same is carried on, kept, or made, or left at his or their last or usual Place of Abode, or on the said Premises; and in case the same shall not be remedied or removed to the Satisfaction of the said Commissioners within Three Days after such Notice shall have been given or left as aforesaid, then every such Owner or Occupier or other Person so neglecting

neglecting to remedy or remove such Nuisance or Annoyance pursuant to such Notice, and to the Satisfaction of the said Commissioners, shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unremedied and unremoved after the Expiration of the Time mentioned in such Notice: Provided always, that where any Person or Persons thinking himself, herself, or themselves aggrieved by such Order as aforesaid shall give Notice to the said Commissioners or their Clerk of his, her, or their Intention to appeal against the said Order, and shall enter into Recognizance within the Time and in the Manner directed by this Act for or in respect of Appeals against any Matters or Things to be done in pursuance of the said Act, such Person or Persons shall not be subject or liable to pay any such Penalty or Forfeiture until the Expiration of Seven Days next after the Hearing and Determination of such Appeal, and the Confirmation thereupon of the said original Order of the said Justices: Provided always, that nothing herein contained shall extend or be construed to extend to any Foundry, Candle-house, Melting-house, or Melting-place, Soap-house or Slaughter-house, which shall have been erected or set up before the passing of this Act.

Carriages not to remain in the Streets longer than necessary.

CXV. And be it enacted, That if any Waggon, Cart, Carriage, Coach, Sledge, Dray, or any other Carriage or Vehicle, shall at any Time be left or suffered to be or remain, stay, stand, or continue, either with or without a Horse or Horses or other Cattle, in any of the Streets or Places within the said Town, for any longer Time than shall be necessary or reasonable for taking up or setting down Passengers or other Persons, or the loading or unloading thereof, or in case the same shall not during such Time be standing as near to that Side of the Street or Place at which the loading or unloading is to be performed as conveniently may be, or shall be set, placed, left, or be upon any Part of the Footways, Foot Pavements, or Crossings of any such Street or Place, or shall stand, be set, or placed athwart or across (although for the Purpose of loading or unloading the same) any Part of any such Street or Place, so that there shall not be sufficient Room left for another Carriage to pass; or if any Timber, Stone, or other weighty or heavy Article or Material whatsoever shall be drawn in or over any such Street or Place without being placed upon or suspended from a Sledge or Carriage proper for that Purpose; or if any Tree or Piece of Timber shall be hauled or drawn upon any Part of such Street or Place, being placed upon or suspended from a Wheel-carriage, but without being attended by some Person besides the Carter in order to prevent such Tree or Timber doing any Injury or Damage; or if any Goods, Wares, or Merchandize, Materials or Things whatsoever shall be or remain in such Street or Place for a greater Space of Time than shall be necessary for housing or removing thereof; then and in every such Case the Owner or Driver of every such Carriage as aforesaid, and the Owner of such Goods, Wares, or Merchandize, Materials or Things as aforesaid, or the Person causing such Annoyance, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings; and any One of the said Commissioners, or their Surveyor, or Street-keeper, Beadle, or other their Officer, shall and may, either in the Day or by Night, seize or cause to be seized any such Carriage so suffered to be or remain, stay, stand, or continue as aforesaid, together with the Horses or Cattle in or drawing the same, or the Goods, Wares, or Merchandize, Materials or other Things as aforesaid,

said, and remove or cause the same to be removed, together with the Person having the Custody thereof if he shall refuse to quit the same, to such secure Pound or other Place as shall be appointed by the said Commissioners for that Purpose, and the same (except the Person having the Custody thereof and refusing to quit as aforesaid) there to be kept and detained until the Owner thereof shall pay or cause to be paid to the Person in whose Custody the same shall be the Penalty in which such Person shall be convicted for the said Offence, together with the Costs and Charges of seizing, removing, and keeping the same; and in case the Carriage, Cattle, or other Articles so seized shall not be claimed, and the said Forfeiture, Costs, and Charges paid, within the Space of Twenty-four Hours next after such Penalty shall have been adjudged, the same shall be sold, and the Money arising from such Sale, after deducting the said Penalty, Costs, and Charges, and the Expences of such Sale, shall be paid to the Owner on Demand.

Cattle straying on the Streets, &c. to be impounded.

CXVI. And be it enacted, That if any Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast shall at any Time be found straying or at large upon any Part of the *Denn*, or upon the Beach of the Sea or of the said River *Teign*, within the Limits of this Act, or in any of the Squares, Roads, Streets, Lanes, Ways, Passages, or other public Places which already have been or hereafter shall be made, laid out, or formed within the said Town, it shall be lawful for any Officer or Officers or other Person or Persons appointed by the said Commissioners, or for any other Person or Persons whomsoever, to seize and impound any and every such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast in the Common Pound (if any) within the said Town, or in such other Place as the said Commissioners shall have provided or shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall, for every such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast so impounded, have paid any Sum not exceeding Five Shillings, at the Discretion of any One or more Justice or Justices of the Peace for the said County, (which Sum shall be in addition to any Payment which any Lord of any Manor or Owner of any such Common Pound for the Time being may be entitled to demand and take in respect of such impounding,) together with the reasonable Charges and Expences of impounding and keeping such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast, to the Treasurer, Clerk, or Surveyor to the said Commissioners; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days after such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast shall be so impounded, it shall be lawful for any Two or more Justices of the Peace to order every such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast to be sold; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast, shall, on Demand, be paid to the Person or Persons whose Property the same so sold shall appear to have been; and in case the Owner or Owners thereof shall not be known, and no Application shall be made for the Money arising by such Sale, over and above the said Penalty, Costs, and Charges, within Seven Days after such Sale shall have taken place, the said Money shall, after deducting the said Penalty, Charges, and Expences, be paid to the Treasurer to the said Commissioners, and be applied to the Purposes of this Act.

For punishing Persons guilty of Pound-breach.

CXVII. And be it enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast which shall be seized for the Purpose of being impounded under the Authority of this Act, or from the Pound or Place where or in which the same shall be so impounded, or shall pull down, break, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock, Bolt, or other Fastening belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast so seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any Two or more Justices of the Peace for the said County, either upon the Confession of the Party or Parties offending or upon the Oath of One credible Witness, forfeit and pay any Sum not exceeding Twenty Shillings if it be the first Time such Person shall have offended in like Sort, or any Sum not exceeding Five Pounds for a second or any subsequent Offence, and in default of Payment of the said Penalty or Forfeiture shall be committed by such Justices, by Warrant under their Hands and Seals, to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Water from Roofs of Houses, &c. to be carried off by Trunks or Pipes.

CXVIII. And be it enacted, That the Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers for the Time being of each House or Building fronting or next adjoining any Square, Road, Street, Lane, Way, Passage, or other public Place in the said Town shall, when thereunto required by the said Commissioners, or any Two or more of them, and within Fourteen Days after Notice in Writing signed by such Commissioners and left upon the Premises specified in such Notice, put up and place, and for ever afterwards keep in repair and good Condition, a Gutter, Spout, or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed at the Front or Side of such House or Building from the Roof down the Ground, to carry off or conduct off all the Water from the Roof of such House or Building in such a Manner that such Water shall pass from the said Roof down to and under the Flagging of the Foot Pavement or Footway through and into the Common Channel, so as that the same may not fall or drip from the Eaves of such House or Building upon or to incommode any Person passing such House or Building, or passing over or along any Footpath; and every Tenant or Occupier of any such House or Building who shall put or place any such Gutter, Spout, Trough, Pipe, or Trunk shall be entitled to deduct and retain, 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 any such Gutter, 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 allowed and abated to him, her, or them by the Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers of such House or Building, out of such Rent; and if any such Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers shall, for the Space of Fourteen Days after such

such Notice to be given as aforesaid, neglect to put up or place such Gutter, Spout, Trough, Pipe, or Trunk, or neglect to prevent the Water from dripping from the Eaves of such Houses or Buildings as aforesaid, then and in every such Case such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers so neglecting shall forfeit and pay any Sum not exceeding Twenty Shillings for every Week during the Continuance of such Neglect, to be recovered in the like Manner as other Penalties or Forfeitures are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer to the said Commissioners, to be applied for the Purposes of this Act.

Regulating Cellar Doors or Flaps.

CXIX. And be it enacted, That where any Opening is now or hereafter shall be made in the Paving of any Footpath in the said Squares, Roads, Streets, Lanes, Passages, or other public Places within the said Town, as an Entrance into or for the Purpose of carrying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of carrying Light into any Room or Cellar, or for any other Purpose, the Door Lid, or Lids, Flap or Flaps, Covering or Coverings, or Grating to such Opening shall be made (at the Expence of the Occupier of the Cellar, Kitchen, Building, or other Premises to which such Opening shall communicate,) of Iron, or such other Materials, and of such Dimensions, and in such Manner and Form as the said Commissioners or their Surveyor shall direct and approve of; and every such Door, Lid, Flap, Grating, or Covering shall from Time to Time be repaired, varied, and altered at the Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners or their Surveyor shall direct or appoint; and in case any Person or Persons shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering contrary to such Directions or Appointment as aforesaid, or shall at any Time leave the same open or not sufficiently secured, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Doors opening outwards to be altered.

CXX. And be it enacted, That the several Owners or Occupiers of Houses, Buildings, Yards, and Gardens within the said Town, and every of them, shall and they are hereby respectively required, at their own Costs and Charges, within Twenty-one Days next after receiving Notice in Writing from the said Commissioners in that Behalf, to cause all such of the Doors, Gates, and Bars leading into the several Houses, Buildings, Yards, and Gardens in their respective Occupations, and all Gates or Bars which do or shall open outwards upon or over any Footpath or public Way within the said Town, to be altered, so as that the same Doors, Gates, or Bars shall thenceforward open inwards, or into their respective Premises, so as to cause no Obstruction to the public Passage; and if any such Owner or Occupier of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Commissioners in any such Door or Gate within the Period specified in such Notice, such Owner or Occupier making default therein shall forfeit and pay any Sum not exceeding Twenty Shillings a Day for every Day during which such Door, Gate, or Bar shall be suffered to remain opening outward as aforesaid after the Expiration of the Time specified in such Notice: Provided nevertheless, that

that when the Occupier of any such House, Building, Yard, or Garden, being a Tenant at Rack Rent, shall cause any such Door or Gate to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him to deduct and retain out of his Rent the necessary Charges of altering the same, and the Proprietor or Landlord of every such House, Building, Yard, or Garden so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where such Door or Gate opening outwards and so altered shall have been originally put up by or under the Authority of the Person occupying the Premises at the Time the Alteration is made, in which Case such Occupier shall bear the Expence of altering the same.

To prevent bathing in the Sea within certain Limits, except from Machines.

CXXI. And be it enacted, That if any Person shall undress on the Beach of the Sea or of the said River *Teign*, or bathe in the Sea or in the said River, except from a Bathing Machine, at any Place within the Limits of this Act Westward of a certain Point distant Five hundred and fifty Feet to the Eastward of certain Baths now the Property of *John Peters Hubbard*, situate in *East Teignmouth* aforesaid, which Point is now marked by a White Line painted upon the Cliff, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, to be recovered in like Manner as other Penalties or Forfeitures are by this Act authorized to be recovered.

Commissioners to mark the Limits.

CXXII. And be it enacted, That the said Commissioners shall and they are hereby required from Time to Time to affix a public Notice of the said Limits at or near the Baths above mentioned, and to cause the said Line marked upon the said Cliff to be repainted as Occasion shall require, or the said Point to be distinctly designated by such Ways or Means as to the said Commissioners shall seem proper.

For appointing Street-keepers and Watchmen.

CXXIII. And be it enacted, That the said Commissioners may and they are hereby empowered from Time to Time, with the Consent and Approbation of One or more Justice or Justices of the Peace for the said County of *Devon* resident within the said Town of *Teignmouth* or within Seven Miles thereof, to appoint and employ such Number of Street-keepers and Watchmen, and other Officers and Persons, as they the said Commissioners shall deem necessary for the proper Protection of the Inhabitants and Visitors, and Houses and Property, Streets and Places, within the aforesaid Town, by Day and Night, and may likewise, by and with such Consent and Approbation as aforesaid, direct and appoint how and where they shall be stationed, how long they shall continue upon Duty, and what Wages they shall be paid or allowed them for their Services; and shall from Time to Time pay such Wages, and make all such Rules, Orders, and Regulations as the Nature of those Services shall appear to require.

Powers and Duties of Street-keepers and Watchmen.

CXXIV. And be it enacted, That the Street-keepers and Watchmen who shall from Time to Time, by and with such Consent and Approbation as aforesaid, be appointed by the said Commissioners, shall, during the Time they shall be stationed in the Squares, Roads, Streets, Lanes, Ways, and other public Passages and Places within the aforesaid Town, and at all Times when coming or going to or from their Duty or Stations, use their best Endeavours to assist all and every Person or Persons passing along the said Squares, Roads, Streets, Lanes, Ways, or other public

Passages or Places, who shall be assaulted, attacked, or ill-treated, and to prevent all Mischief by Fire, and all Murders, Burglaries, Robberies, and all other Felonies, Outrages, Disorders, and Misdemeanors, as well in the said Squares, Roads, Streets, Lanes, Ways, and all public Passages and Places, as in all Houses and other Buildings or Grounds contiguous thereto; and for that Purpose it shall be lawful for the said Watchmen and Street-keepers, or any of them, to apprehend and secure all Malefactors, Rogues, and Vagabonds, idle and disorderly Persons, Disturbers of the public Peace, Prostitutes and Thieves, who shall be found loitering, wandering, or misbehaving themselves, or committing any Disorder or Offence on the *Denn*, or in the said Squares, Roads, Streets, Lanes, Ways, or other public Passages or Places, or any of them, or who shall refuse to give a good Account of themselves, or whom the said Watchmen and Street-keepers shall have Reason to suspect of any evil Intentions or Designs, and to search every such Person, or the Loading of any Horse, Ass, Mule, Cart, or other Carriage which they shall suspect to have any stolen Goods thereon or therein, and shall and may confine and secure every such Person, and every such Horse, Ass, Mule, Cart, or other Carriage, until such Person can be conveniently conveyed before some Justice or Justices of the Peace to be examined and dealt with according to Law; and it shall be lawful for the said Watchmen and Street-keepers at all Times to enter into any Lodging-houses known or suspected to be the Resort of Vagrants or other idle or disorderly Persons, and to apprehend all such Persons found therein, and the said Persons so apprehended to detain until they can be conveniently conveyed before some Justice or Justices of the Peace to be examined and dealt with according to Law; and it shall be lawful for any Justice or Justices of the Peace before whom any Person or Persons may be brought, having been found loitering, wandering, or misbehaving themselves, or committing any Disorder or Offence on the *Denn*, or in the said Squares, Roads, Streets, Lanes, Ways, or other public Passages or Places, to convict the said Person or Persons in any Penalty not exceeding the Sum of Five Shillings for each and every such Offence of which it shall appear to such Justice or Justices that such Person or Persons has or have been guilty against the true Intent and Meaning of this Act, and for which no other Penalty or Punishment is expressly provided, and the said Penalty or Forfeiture shall and may be levied and enforced in the same Manner as other Penalties are directed to be levied and enforced under the Provisions of this Act; and all Persons are hereby authorized and required to aid and assist every such Watchman or Street-keeper in securing every such Offender or Person aforesaid; and in case any such Watchman or Street-keeper shall neglect to keep Watch in manner or during the Time which shall be so appointed by the said Commissioners, or shall depart from or leave his Station (except for any of the Purposes aforesaid), or shall otherwise neglect his Duty or wilfully misbehave himself, or shall at any other Time than when he shall be on actual Duty wear or make use of, or at any Time lend or suffer to be worn or made use of (except to or by the Person who shall by Permission of the said Commissioners watch in his Stead), the Clothes, Arms, or Accoutrements intrusted to him as such Watchman or Street-keeper, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and if any such Watchman or Street-keeper shall unnecessarily hurt, damage, spoil, or destroy, or negligently lose, any of his Clothes, Arms, or

Accoutrements, he shall pay to the Treasurer to the said Commissioners all such Costs and Charges as shall be occasioned thereby.

Watchmen to be sworn in, and to have the Power of Constables.

CXXV. And be it enacted, That all Watchmen and Street-keepers appointed and to be appointed as aforesaid shall be sworn in as Constables before some Justice or Justices of the Peace of the said County, and act as such while in execution of the Powers and Authorities of this Act; and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject to such and the like Duties and Responsibilities, as any Constable or Constables is or are or shall be subject to, and shall be liable to such and the like Penalties as any Constable or Constables is or are or shall be liable to by Law.

Penalty on Publicans harbouring Watchmen during the Hours of Duty.

CXXVI. And be it enacted, That if any Victualler, Publican, Retailer of Beer, or other Person selling spirituous or other Liquors, either within or without the aforesaid Town, shall knowingly entertain or harbour any such Watchman, Street-keeper, or other Officer or Person, during the Time he ought to be on Duty, such Victualler, Publican, Retailer of Beer, or other Person selling such Liquors as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power for Commissioners to provide Buildings for Watch-houses, &c.

CXXVII. And be it enacted, That it shall be lawful for the said Commissioners to purchase, or to take or hire on Lease, and hold to them and their Successors, any Plot or Plots of Ground within the aforesaid Town, and thereon to erect and build all proper Watch-houses or Lock-up Houses for the safe Custody of such Persons as may be apprehended by the Watchmen and Street-keepers while on Duty, until they can conveniently be carried before some Justice of the Peace for the said County to be examined and dealt with according to Law, and also thereon to erect and build any Rooms, Erections, or Buildings, or to purchase or take or hire any Rooms, Erections, or Buildings already erected and built within the same Town that may be sufficient, for holding the Meetings of the Commissioners to be from Time to Time held for the Purpose of carrying this Act into execution, or for the Purpose of otherwise transacting or carrying on any Business relating to the Purposes of this Act; and all Sum and Sums of Money, Rents, Costs, Charges, and Expences, which shall arise and be incurred in the Purchase and hiring any such Ground, and the erecting and building any such Houses, Rooms, Erections, or Buildings, Watch-houses or Lock-up Houses, or in the purchasing or hiring any such House, Rooms, Erections, or Buildings, and in fitting up and maintaining and keeping the whole of the same in repair from Time to Time, shall be paid out of the Monies to arise under or by virtue of this Act: Provided always, that no greater Sum than Five hundred Pounds shall be expended in the erecting and building of such Rooms, Erections, or Buildings for holding the Meetings of the said Commissioners or for transacting or carrying on such Business as aforesaid.

Power to contract for Work to be done by this Act.

CXXVIII. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to enter into any Contract with any Person or Persons or Company whatsoever for making and erecting the said Gas Works and Waterworks hereby authorized to be made, and for widening, altering,

amending, improving, paving, or repairing the said Squares, Roads, Streets, Lanes, Ways, Passages, and Places within the said Town, or any of them, or for taking away and collecting the Dirt, Dust, Cinders, and Ashes within the said Town, or for lighting the same Squares, Roads, Streets, and Places, or any of them, or any Part thereof, with Gas or Oil or in any other Manner whatsoever (in case the said Commissioners shall not think fit to erect such Gas Works as aforesaid), or for cleansing or watering the same, or for furnishing Lamps, Lamp Irons, Watchboxes, Posts, Chains, Pales, Rails, and other Things necessary for the Purposes aforesaid, or for furnishing Materials and doing and performing all or any of the other Works by this Act authorized or directed to be done and performed; which Contracts shall specify the several Works to be done and the Prices to be paid for the same, and the Time when the same Works shall be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by Five or more of the said Commissioners, and also by the Person contracting to perform such Works respectively; which Contract or a Copy thereof shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; and the said Commissioners shall and they are hereby required to take Security from any such Contractor for the due Performance of his or her Contract: Provided always, that if the said Commissioners shall be of opinion that it will not be advantageous to contract with the Person offering the lowest Price, or with any Person tendering or making such Proposal, it shall be lawful for the said Commissioners to contract or agree with any other Person whom they shall think proper: Provided also, that before any such Contract or Contracts shall be entered into Ten Days Notice at least shall be given in some public Newspaper printed in the City of *Exeter*, or by Handbills posted in some conspicuous Places in the said Town of *Teignmouth*, 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.

Surveyors to inspect such Works.

CXXIX. And be it enacted, That the said Commissioners shall cause all and every the Works to be done in pursuance of this Act to be inspected by their Surveyor, or by such other Person as they shall appoint; and in case the same shall not be well and sufficiently performed according to the Terms, Intent, and Meaning of the Contract for the same, the said Commissioners may bring or cause to brought any Action at Law or Suit in Equity against the Person so neglecting to perform such Contract or Contracts for any Penalty contained in such Contract, or for any Damage sustained in consequence of any Breach or Nonperformance thereof; and on Proof of the signing of the said Contract, and Nonperformance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit: Provided always, that it shall be lawful for the said Commissioners, if they shall think fit, to compound and agree with any Contractor, or his Surety or Sureties, for any Penalty incurred by him or them for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Commissioners shall think proper.

CXXX. And

Power to purchase Lands, &c. for the Purposes of this Act.

CXXX. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to contract and agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which the said Commissioners shall adjudge necessary to be purchased for the Purpose of making or erecting the said Gas Works and Waterworks hereby authorized to be made, or either of them, or of widening, altering, or improving the Roads, Streets, Ways, and other public Passages and Places within the said Town, or for any other Purpose mentioned in this Act (who shall be willing to sell the same), for the Purchase of such Lands, Tenements, and Hereditaments, and to pay the Purchase Monies out of the Monies to be by them received by virtue of this Act; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust of Charity Estates or for other Purposes, Committees, Executors, Administrators, and all other Trustees or Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised or interested in their own Rights, and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for the Sale of and to sell and convey unto the said Commissioners any Lands, Tenements, or Hereditaments for the Purposes aforesaid; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in pursuance of this Act.

Power to improve the Streets, &c.

CXXXI. And whereas for the Purpose of altering, widening, and improving certain Streets, Ways, Lanes, and other public Passages and Places in the said Town, and making the same safe and commodious for Carriages and Passengers, it will be necessary to take down and remove certain Houses and Buildings mentioned and described in the Schedule marked (C.) to this Act annexed; be it therefore enacted, That it shall 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 in the said Schedule marked (C.) to this Act annexed, and to alter, widen, and improve the said Streets, Ways, Lanes, and other public Passages and Places, or any of them, within the said Town, making the said Alterations, Widenings, and Improvements through, across, or over the said several Houses, Buildings, Lands, Tenements, or Hereditaments mentioned, included, and described in the said last-mentioned Schedule to this Act annexed: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to take or use any larger Portion of the Land on which the Houses or other Buildings are now erected, which are specified in the said Schedule marked (C.) to this Act annexed, than shall be necessary for making the several Alterations, Widenings, and Improvements by this Act authorized, without the Consent of the respective Owners first obtained: Provided also, that in case where the said Commissioners shall require to purchase

purchase any Part of any of the Premises comprised in the said Schedule (C.), they shall, on Request of the Owners of such Premises, be compelled to purchase the Whole thereof.

Compulsory Powers limited to Lands in the Schedule.

CXXXII. And be it enacted, That nothing herein contained, shall authorize or empower the said Commissioners to take or use for any of the Purposes of this Act any House or Houses or other Building erected or built before the passing of this Act, or any Yard, Garden, Orchard, Lawn, Shrubbery, Plantation, or Nursery for Trees, without the Consent of the Owner thereof first obtained, except such as are mentioned in the said several Schedules to this Act annexed.

Premises not to be taken after Three Years without Consent.

CXXXIII. And be it enacted, That it shall not be lawful for the said Commissioners, after the Expiration of Three Years from the passing of this Act, to take and use any Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed which shall then be remaining unpurchased, without the Consent in Writing of the Owners thereof first had and obtained for that Purpose.

Misnomer in Schedule not to prevent the Execution of the Act.

CXXXIV. And be it enacted, That it shall be lawful for the said Commissioners to purchase, take, and use any of the Lands, Tenements, and Hereditaments mentioned in the said Schedules hereto annexed, although the same, or the Name of any Owner, Leaseholder, or Occupier of any of the said Premises, shall happen to be mis-stated or omitted or inaccurately described therein, in case it shall appear to any Two or more Justices of the Peace of the said County of *Devon*, and be certified in Writing under their Hands, that such Mis-statement, Omission, or inaccurate Description has proceeded from Mistake only.

Power for the Commissioners to purchase the Gardens, &c. belonging to the Houses mentioned in the Schedules.

CXXXV. And whereas it may happen that there may be Yards, Gardens, Courtlages, or other Parcels of Land contiguous and belonging to several of the Messuages, Houses, and other Buildings mentioned in the said several Schedules to this Act annexed, and it may not be necessary, for the several Purposes of making or widening and improving the said Streets, Ways, Lanes, and other public Passages and Places to take and use the said Yards, Gardens, Courtlages, and other Parcels of Land, although the Messuages, Houses, or other Buildings to which the same may belong and be contiguous may be taken down and removed, but nevertheless it may be expedient that the said Commissioners should have Power to purchase the said Yards, Gardens, Courtlages, or other Parcels of Land, along with the said Messuages, Houses, and other Buildings; be it therefore enacted, That it shall be lawful to and for the said Commissioners, with the Consent in Writing of the Owners thereof, by any of the Ways and Means herein-after provided for that Purpose, to purchase and take all or any of such Yards, Gardens, Courtlages, or other Parcels of Land which shall be contiguous to and shall have been usually occupied with any Messuage, House, or other Building mentioned in either of the said Schedules to this Act annexed, along with the said Messuage, House, or other Building, and afterwards to resell, under the Powers herein-after contained, the Whole or any Part of such Yards, Gardens, Courtlages, or other Parcels of Land which shall be found unnecessary or more than sufficient for the Purposes of this Act.

CXXXVI. And be it enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Commissioners under this Act may be made in the Form or to the Effect following; (that is to say,)

Form of Conveyance.

'I [*or* We] of in consideration of paid by the Commissioners acting in 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*], do hereby grant and convey to the said Commissioners all [*here describe the Premises to be conveyed*], and all my [*or* our] Right, Title, or Interest in and to the same and every Part thereof, to hold to the said Commissioners for the Purposes of the said Act for ever. In witness whereof I [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals] this Day of in the Year of our Lord .'

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to vest the Hereditaments so conveyed in the said Commissioners, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Statute, Usage, or Custom to the contrary notwithstanding.

Satisfaction to be made for Lands taken or Damages sustained.

CXXXVII. Provided always, and be it further enacted, That full Compensation and Satisfaction shall be made by the said Commissioners to all and every Body and Bodies Politic, Corporate, or Collegiate, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and all Feoffees in Trust, Executors, Administrators, Femes Covert, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons who is or are or who shall be seised, possessed of, or interested in any Lands, Tenements, and Hereditaments by this Act authorized to be purchased, taken, and used for the same, and for any Injury or Damage to arise from or by or in consequence of the Execution of any of the Powers hereby granted; and all such Parties and Persons shall and may accept and receive Compensation or Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and for such Injury or Damage, as shall be agreed upon by and between the said Parties or Persons respectively, or any of them, and the said Commissioners; and in case the said Parties and Persons, or any of them, and the said Commissioners, cannot agree as to the Value of the Premises, or the Amount of such Compensation or Satisfaction, the same shall be settled and ascertained as is herein-after directed.

If Parties cannot agree, &c. a Jury may be summoned.

CXXXVIII. And be it enacted, That if any Person or Persons, Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Committees, Executors, and Administrators, or other Persons empowered to sell any of the Lands, Tenements, or Hereditaments mentioned in the said several Schedules to this Act annexed, or entitled to such Compensation for any House or Building which may be set back to the Line of the Street or Place whereon the same shall be, or otherwise, under the Powers of this Act, for and on behalf of himself or themselves, or for and on behalf of their respective Cestuique Trusts, or of the

Persons entitled in Remainder after them as aforesaid, shall for the Space of Thirty Days next after Notice in Writing signed by the Clerk to the said Commissioners shall have been given to him, her, or them, or left at the Dwelling House or Houses or usual or last Place or Places of Abode of him, her, or them, or of the principal or head Officer or Officers of such Bodies Politic or Corporate or Collegiate, of such Hereditaments intended to be purchased being required for the Purposes of this Act, and specifying the Intention of the said Commissioners to have the Amount of such Purchase Money or of such Compensation, as the Case may be, assessed by a Jury, neglect or refuse to accept the same, or to treat and agree or shall not agree with the said Commissioners, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or in case of a Sale shall not produce a clear Title to the Hereditaments they are in Possession of, or of the Interest they claim therein, to the Satisfaction of the said Commissioners, then and in every such Case the said Commissioners, or any Three or more of them, shall and they are hereby empowered from Time to Time to issue their Warrant or Warrants to the said Sheriff of the said County of *Devon*, commanding such Sheriff to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified according to the Laws of the Realm for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant or Warrants shall be appointed; and out of the Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff; and in case a sufficient Number of Jurymen shall not appear the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and such Sheriff is hereby empowered and required, by a Summons or Notice to be signed by him, either previous to or at the Time of such Meeting or Meetings, to summon and call before him every Person who shall be thought necessary to be examined as a Witness or Witnesses concerning the Premises; and the said Sheriff may order and authorize the said Jury, or any Five or more of them, to view the Place or Places or Matter in question; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered and required to administer,) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid by the said Commissioners for the Purchase of the said Lands, Tenements, and Hereditaments, or, as the Case may be, what Loss or Damage has been or will be sustained by, and what Compensation, Recompence, and Satisfaction shall be made to such Persons or Parties interested as aforesaid, for or on account of buying such Lands, Tenements, and Hereditaments, or of such Loss or Damage as aforesaid, or for or on both Accounts, in which Case separate Damages shall be assessed; and upon every such Inquiry the Person or Persons seeking such Compensation, Recompence, or Satisfaction shall be the Plaintiff or Plaintiffs; and the said Sheriff shall accordingly give Judgment for such Purchase Money, Compensation, Recompence, and Satisfaction as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be signed by the Sheriff

In default of Attendance by Jurymen, Standers-by may be returned.

Witnesses may be summoned.

Jury may view the Place or Matter in question.

Verdict and Judgment thereon to be conclusive.

Sheriff before whom the same shall be taken, and shall be final, binding, and conclusive, to all Intents and Purposes, against all such Bodies Politic, Corporate, and Collegiate, and all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster* or any other Courts, any Law or Statute to the contrary notwithstanding.

Juries and Witnesses to be fined for Non attendance.

CXXXIX. And be it enacted, That if any Person so to be impannelled, summoned, and returned as aforesaid upon such Jury shall not appear without reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence as a Witness as aforesaid shall neglect or refuse to appear, after having been paid or tendered a reasonable Sum for his Costs and Expences, without a sufficient Excuse, or appearing shall refuse to be sworn or give Evidence, then and in such Case every Person so offending shall for every such Offence forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds.

Allowance to the Sheriff and Jury.

CXL. And be it enacted, That every Juryman who shall be sworn for the Purposes of this Act shall be allowed the Sum of Ten Shillings, and no more, for each Day's Attendance and Expences, notwithstanding such Juryman shall be sworn on several Inquiries and Assessments on the same Day; and the Sheriff for summoning, impannelling, and returning of such Jury or Juries, and taking and recording their Verdict or Verdicts, and for attending on the first Day, shall be allowed the Sum of Three Pounds, and no more, and for each Day's Attendance beyond the first the Sum of Two Pounds, and no more, whether such Jury or Juries shall be impannelled for the Purpose of one or several Inquiries.

Expences of Juries by whom to be borne.

CXLI. And be it enacted, That in every Case where a Verdict shall be given for the same or more Money than shall have been previously offered by or on behalf of the said Commissioners as a Compensation, Recompence, or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any such Loss or Damage as aforesaid, and in every Case where any Person or Persons, Party or Parties, shall have been prevented by Absence from *Great Britain*, or by other Impediment, or by any Disability, from entering into Treaty with the said Commissioners, all the Costs and Charges incurred in impannelling, summoning, and returning such Jury, taking such Verdict, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and all other reasonable Expences, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act, and shall and may be recovered by the Person entitled thereto by Distress and Sale of the Goods and Chattels of the said Commissioners or of their Treasurer, unless such Treasurer shall pay the same, which such Treasurer is hereby authorized and empowered to do, under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any such Justice is hereby authorized and required to issue on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Charges; and in every Case where a Verdict shall be given for

for less Money than shall have been previously offered by or on the Behalf of the said Commissioners as such Compensation, Recompence, or Satisfaction as aforesaid, one Moiety of all the Costs and Charges incurred as aforesaid shall be borne by the Party or Parties neglecting or refusing to treat or not agreeing as before mentioned with the said Commissioners, 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 of the said County of *Devon* 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 when the Costs shall be payable by the Party having had any such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party as so much Money advanced for his Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Money awarded and adjudged to such Party; or otherwise, if such Costs and Charges be not paid upon Demand, the same may be recovered by the said Commissioners from the Party liable to the Payment thereof on Complaint made by them or their Clerk to some Justice of the Peace, who is hereby empowered to levy the same by such Ways and Means as Penalties are by this Act directed to be recovered.

Verdicts of Juries to be recorded, and to be good Evidence.

CXLII. And be it enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace for the County of *Devon*, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts and Places whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling only, and also to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Compensation for Damage under Twenty Pounds may be determined by Justices.

CXLIII. And be it enacted, That in case the Amount of the Compensation for any Damage done or occasioned by the said Commissioners in the Exercise of any of the Powers herein contained shall be disputed, and be alleged by the Parties claiming the Compensation to amount to any Sum under Twenty Pounds, then the Amount of the Compensation for such Damage shall or may be ascertained and settled by any Two Justices of the Peace for the said County of *Devon*, not being Commissioners under this Act, and shall and may be levied and recovered by a Warrant under the Hands and Seals of such Justices, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justices, by Distress and Sale of the Goods of the Treasurer of the said Commissioners, unless such Treasurer shall pay and discharge the same, which he is hereby authorized to do, out of any Monies received or to be received by him as such Treasurer as aforesaid.

On Payment of Money Property to vest in the Commissioners.

CXLIV. And be it enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Jury, or ascertained by such Justices, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Compensation for Damages as herein-before mentioned, to the Person

or Persons entitled to receive such Money, or his, her, or their Agents, within Thirty Days after the same shall have been so agreed for, assessed, or ascertained, or on the same being deposited in the Bank of *England* in manner by this Act directed (as the Case may be), it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, thereupon, and not before, to enter upon, take, and use such Lands, Tenements, or Hereditaments respectively, and then and thereupon the same Lands, Tenements, or Hereditaments, with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall from thenceforth be absolutely vested in the said Commissioners for the Purposes of this Act, whether such Conveyance as aforesaid shall or shall not be made; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Interest, Claim, 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, Rights, Titles, and Interests of all other Persons whomsoever therein.

Tenants of purchased Premises to quit after Six Months Notice.

CXLV. And be it enacted, That every Tenant from Year to Year, or Person having a less Interest, in Possession of any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act, shall deliver up the Possession of such Hereditaments to the said Commissioners, or to such Person as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been duly given by the Clerk to the said Commissioners to such Tenant or other Person, whether such Notice be given with reference to the Time or Times of such Tenant's holding or not; and in case any such Tenant or other Person shall, in case of any Difference or Dispute, refuse to give up such Possession as aforesaid, it shall be lawful for any Justice of the Peace of the said County of *Devon* to issue his Precept or Warrant to the Constables of the said Town or any of them, commanding and requiring such Constables or any of them to deliver Possession of the said Hereditaments to such Person as shall in such Precept or Warrant be nominated to receive the same, and the said Constables are hereby required to deliver Possession of the said Hereditaments accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Warrant on the Person so refusing to give Possession as aforesaid by Distress and Sale of his Goods: Provided always, that where any such Tenant or other Person in Possession shall be required to deliver up Possession of any Hereditaments so occupied by him to the said Commissioners before the Expiration of the Term or Interest of such Tenant or other Person in the said Hereditaments, the said Commissioners shall and they are hereby directed to make a Tender unto such Tenant or other Person as aforesaid (not being a Mortgagee), before any such Justice shall issue his Precept or Warrant as herein-before mentioned, of full Satisfaction or Compensation for the Value of such unexpired Term or Interest in the said Hereditaments; which Satisfaction or Compensation, in case of Difference, shall be ascertained and settled in the same Manner as any other Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or made use of by the said Commissioners is by this Act directed to be ascertained and settled in case of Dispute or Difference about the same.

CXLVI. And

Mortgagees not in Possession to assign Mortgages to Commissioners.

CXLVI. And be it enacted, That all Persons, Bodies Politic or Corporate or Collegiate, Corporations Aggregate or Sole, who shall have any Mortgage or Mortgages on such Messuages or Tenements, Lands and Hereditaments (not being in Possession of the Hereditaments by virtue of such Mortgage or Mortgages), shall, on Tender of the Mortgage Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the Principal Money, by the said Commissioners or their Clerk, immediately convey, assign, and transfer such Mortgage or Mortgages to such Commissioners, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners or 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 of Three 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 Hereditaments, to the same 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 for Principal and Interest upon such Mortgage or Mortgages shall amount to more than the real Value of the Hereditaments so to be purchased, taken, or made use of for the Purposes of this Act, then the said Commissioners shall not be liable to pay to such Mortgagee or Mortgagees more than the real Value of such Hereditaments.

Application of Money belonging to Bodies Politic when amounting to 200*l.*

CXLVII. And be it enacted, That all Sum and Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Committees, Executors, Administrators, Femes Covert, and all other Persons under any Disability or Incapacity whatsoever, for the Purchase of or the Damages to be done to any Lands, Tenements, or Hereditaments, or otherwise, by virtue of this Act, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Corporation or other Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith or to the same

1 G. 4. c. 35.

or

or the like Uses, Trusts, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the 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 such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Corporation or Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, taken, or used, if any such Purchase or Settlement were made.

Application of Money when less than 200*l.* and amounting to 20*l.*

CXLVIII. And be it enacted, That if any such Money so to be paid to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands or Hereditaments in respect of which the same is so to be paid, or of his 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 said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person making such Option as aforesaid, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands of the nominating Party or Parties, and Five at least of the said Commissioners, in order that the said Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction, Approbation, or Order of the said Court of Exchequer.

Application of Money when less than 20*l.*

CXLIX. And be it enacted, That when any such Money so to be paid shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments in respect of which the same is so to be paid, for his own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person so entitled thereto.

If Titles cannot be made, or Persons found, the Money to be paid into the Bank

CL. And be it enacted, That in case the Corporation or Person to whom any such Sum or Sums of Money ought to be paid as aforesaid shall refuse to accept the same, or shall not be able to deduce a good Title to the same, to the Satisfaction of the said Commissioners, or in case any such Person cannot be found, or be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order such Sum or Sums of 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, to be placed to his Account to the Credit of the Parties or unknown Persons, as the Case may be, interested in the Lands, Tenements, or Hereditaments in respect of which such Monies ought to be paid, subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Corporation or Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, or otherwise, according to the Practice of the said Court, 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, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Corporation or Person making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

If Title disputed, the Person in Possession be deemed presumptively entitled.

CLI. And be it enacted, That where any Question shall arise touching the Title of any Corporation or Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of or for any Damage to be done to any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest therein, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Corporation or Person who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, or at the Time when such Loss or Damage shall arise, and all Persons claiming under such Corporation or Persons, or under the Possession of such Corporations or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Corporation or Person was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Commissioners to defray the

CLII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as of the Purchaser, of all Convey-

Expences of making out Titles to Estates purchased by them.

Conveyances and Assurances of any Lands and Hereditaments which shall be purchased or taken by the said Commissioners for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Trustees may require to the said Lands and Hereditaments, and of all attested Copies which the said Trustees may require of any Deeds, Evidences, or Writings relating thereto, and all Expences whatsoever incident to the Investigation, Deduction, or Verification of such Title, shall be exclusively borne and paid by the said Commissioners; and the said Commissioners, before entering into Possession of the Lands and Hereditaments so purchased, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall deposit, for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands and Hereditaments shall be purchased: Provided always, that the said Commissioners shall not be prevented from entering into Possession of the Lands and Hereditaments so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands and Hereditaments shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Commissioners, deliver a Bill of their said Costs, Charges, and Expences to the said Commissioners, with the Name of a Solicitor as their Referee for the Purposes herein-after mentioned; and if the said Commissioners and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the said Commissioners shall name a Solicitor as a Referee on their Part, and deposit the Amount of the Costs, Charges, and Expences claimed by such Party or Parties as aforesaid in the Hands of the said Two Referees to answer the same, and such Costs, Charges, and Expences shall be settled and determined by the said Two Referees, or in case they shall differ about the same then by a Third Solicitor or Umpire, to be named and appointed by such Two First Referees before they proceed on the Matter referred to them; and the Award and Determination of the said Two Referees or of the said Umpire, as the Case may be, shall be binding and conclusive, and shall be made within One Calendar Month from the Time of making such Deposit as is herein-before mentioned; and upon such Award and Determination being made the said Two Referees shall, by and out of the Money so deposited with them, pay to the Party or Parties from whom the said Lands and Hereditaments shall be so purchased as aforesaid the Amount of the Costs, Charges, and Expences which shall be so awarded and determined, and the Remainder of the said Money so deposited shall be returned to the said Commissioners: Provided also, that the Expence of determining such Costs, Charges, and Expences as aforesaid shall be paid and borne by the said Trustees, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the Expence of determining the same shall be paid and borne by the said Sellers, and the Amount thereof may then be deducted by the said Commissioners from the Sum payable by them under the Award and Determination of the said Two Referees or of the said Umpire.

The Court of Exchequer

CLIII. And be it further enacted, That where, by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tene-

Tenements, or Hereditaments to be taken under or by virtue of this Act, or from any other Cause whatsoever, the Purchase Money for such Lands, Tenements, or Hereditaments, or any Money to be paid for or by way of Compensation or Satisfaction for any Injury or Damage done to the same, shall be required to be paid into the Bank of *England*, and be subject to the Orders and Directions of the Court of Exchequer under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Purchase, taking, or using of any Lands, Tenements, and Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Purchase or Compensation Money paid in respect of such Lands, Tenements, and Hereditaments in Real or Government Securities, and likewise the Reinvestment or Compensation Money, or the Government and Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of the Payment of the Principal of the said Purchase or Compensation Money, and of the Government or Real Securities purchased therewith, out of Court, to be paid by the said Commissioners, and the said Commissioners shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct.

may order Expences of Purchases to be paid by the Commissioners.

CLIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby required, within Seven Years from the passing of this Act, to sell and dispose of by Auction, after Seven Days public Notice, or by private Contract after such Auction shall have been holden, to any Person or Persons whomsoever, so much or such Part or Parts of the Messuages, Houses, Buildings, Walls, Lands, Tenements, or Hereditaments to be purchased by or vested in them by virtue of this Act as shall at any Time or Times be found by them to be unnecessary or more than sufficient for the Purposes of this Act; and for completing and carrying any such Sales into effect the said Commissioners, or any Three or more of them, are hereby authorized and empowered to make and execute under their Hands and Seals any Conveyances of such of the said Hereditaments as shall be so sold and disposed of unto the Purchasers thereof, and such Conveyances shall in all Cases be deemed sufficient in Law to vest such of the said Hereditaments as shall be expressed and intended to be granted by such Conveyances in the Purchasers thereof, and his, her, or their respective Heirs and Assigns, or in such Manner as he or they shall direct and appoint.

Power to resell Premises not wanted.

CLV. And be it enacted, That no Person shall be prevented from purchasing any Part of such last-mentioned Messuages, Houses, Buildings, Walls, Lands, Tenements, or Hereditaments by reason of his being a Commissioner acting in the Execution of this Act, provided that a Majority of the whole Number of Commissioners shall concur in an Order for the Conveyance of any Part of such last-mentioned Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments to such Commissioner at and for the Price which shall be specified in such Order, and shall signify their Assent thereto by severally affixing their Signatures to such Order in the Book of Proceedings of the said Commissioners.

Commissioners not disqualified from being Purchasers with Concurrence of a Majority.

CLVI. And

Power to convey Lands.

CLVI. And be it enacted, That all Conveyances, Assignments, and Assurances to be made by the said Commissioners on any Resale or Resales by them of any of the said Lands, Tenements, or Hereditaments which shall be found by them unnecessary or more than sufficient for the Purposes of this Act, or any of them, or any Part or Parts thereof, or any Estate, Term, or Interest therein, may be made in the Form or to the Effect following; (that is to say,)

Form of Conveyance.

'WE of the Commissioners acting under the Authority of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], in consideration of the Sum of of lawful Money paid to the Treasurer of the said Commissioners by of [*here set forth the Name, Quality, and Residence of the Purchaser*], do hereby grant and convey [*or* grant and assign, *as the Case may be*,] unto the said his [her *or* their, *as the Case may be*,] Heirs and Assigns [*or* Executors, Administrators, and Assigns, *according to the Nature of the Estate, and as the Case may be*,] all [*here describe the Premises to be conveyed*], and all the Right, Title, and Interest of the said Commissioners of, in, and to the same, to hold the same unto the said his [*or* her *and* their, *as the Case may be*,] Heirs and Assigns for ever [*or, as the Case may be*, to hold the same unto the said his [*or* her *or* their] Executors, Administrators, and Assigns, from henceforth, for and during all the Estate, Term, and Interest of the said Commissioners of, in, to, and out of the said Hereditaments so granted and assigned] [*or the Habendum may be limited to such Person or Persons and in such Manner as the Purchaser or Purchasers shall direct or appoint*]. In witness whereof we have hereunto set our Hands and Seals this Day of in the Year of our Lord .'

And every such Resale, Conveyance, Assignment, and Assurance made in manner aforesaid shall be valid and effectual to all Intents and Purposes whatsoever, and shall be sufficient in Law to vest the Property of and in every such Lands, Tenements, and Hereditaments, Estate, Term, and Interest, to be sold, granted, assigned, and conveyed as aforesaid, in the Person or Persons who shall purchase the same, and in his, her, or their Heirs, Executors, Administrators, and Assigns respectively, or otherwise as he, she, or they shall direct or appoint as aforesaid; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

The Words, "grant and convey," or "grant and assign," to operate as Covenants.

CLVII. And be it enacted, That in all Conveyances, Assignments, and Assurances to be made by the said Commissioners under or by virtue of the several Powers and Authorities by this Act granted the Words "grant and convey" or "grant and assign" (as the Case may be) shall be construed and adjudged in all Courts of Judicature to be express Covenants with the Grantee, Lessee, or Purchaser, or his, her, and their Heirs, Executors, Administrators, and Assigns, by the said Commissioners, for themselves and their Successors, that the said Commissioners, notwithstanding any Act done by them, were, at the Time of the Execution of every such Conveyance, Assurance, or Assignment, seised or possessed of the Hereditaments thereby conveyed or assigned of an indefeasible Estate of Inheritance in Fee Simple, or (as the Case may be) for the Residue of such

such Term and Interest as the said Commissioners shall undertake to convey therein, free from all Incumbrances, and for the quiet Enjoyment thereof against the said Commissioners and their Successors and all Persons claiming under them.

Power to make Rates for the Purposes of this Act.

CLVIII. And in order to enable the said Commissioners to defray the Expences attending the applying for, obtaining, and passing of this Act, and to pay any Money which may be borrowed for that or any other Purpose under or by virtue of this Act, and the Interest thereof, and also to enable them to carry the several Purposes of this Act into execution; be it enacted, That it shall be lawful for the said Commissioners, as often as they shall think necessary, to make a general Pound Rate or Assessment under the Name of the "*Teignmouth* Improvement Rate," to be signed by any Three or more of the said Commissioners, upon all the Tenants and Occupiers of Houses, Tenements, Shops, Wharfs, Warehouses, and Buildings whatsoever situate within the aforesaid Limits of this Act, according to the real and actual yearly Rent or Value thereof, to be ascertained as herein-after mentioned; provided such Rate or Assessment do not exceed in any One Year (the first Year commencing at and upon the Twenty-fourth Day of *June* One thousand eight hundred and thirty-six) the Sum of Sixpence in the Pound on such yearly Rent or Value of all such Houses or Tenements, Shops, Wharfs, Warehouses, and other Buildings, of what Nature or Kind soever.

Power to increase Rates with Consent of Rate-payers.

CLIX. And be it enacted, That in case it shall at any Time or Times appear to the said Commissioners that the said Sum of Sixpence in the Pound is not sufficient for the Purposes aforesaid, it shall be lawful to and for the said Commissioners to call a General Meeting of the Persons who for the Time being shall be rated or assessed to the said Improvement Rate, giving or causing to be given Ten Days Notice at the least of the Time and Place at which the said Meeting will be held, and that the Purpose of the said Meeting is to consider the Expediency of an increased Rate or Assessment being made by the said Commissioners; and if the Persons assembled at the said General Meeting shall, by a Majority of Votes then and there to be taken, consent that an increased Rate or Assessment shall be made, then it shall be lawful for the said Commissioners to make such increased Rate for the current Year upon all the Tenants and Occupiers of Houses, Tenements, Shops, Wharfs, Warehouses, and Buildings situate within the aforesaid Limits, such increased Rate not exceeding, together with the said Sum of Sixpence, the Sum of One Shilling in the Pound on the yearly Rent or Value thereof; but if the Persons assembled at such General Meeting shall, by a Majority of Votes then and there to be taken, such Majority not to consist of less than Two Thirds of such Votes, consent that a further increased Rate or Assessment shall be made, then it shall be lawful for the said Commissioners to make the same upon all the said Tenants and Occupiers to such an Extent as shall be agreed upon at such General Meeting; and all the Powers and Provisions herein-after given or enacted for the Collection of Rates to be made by virtue of this Act, or in any other Manner relating thereto, shall extend to such increased Rates respectively, and be of the like Force and Effect, with respect to the said increased Rates respectively, as if the same had been originally made and assessed under the Powers of this Act.

How Votes shall be taken at a Meeting of Rate-payers.

CLX. And be it enacted, That in taking the Votes at any such General Meeting every Person rated to the said Improvement Rate for or in respect of any Property of which the annual Rent or Value shall not exceed Twenty-five Pounds shall be entitled to give One Vote, and no more; and every Person rated to the said Rate for or in respect of any Property of which the annual Rent or Value shall exceed the Sum of Twenty-five Pounds shall be entitled to give One Vote for every whole Sum of Twenty-five Pounds which shall be contained in the total Amount of Rent or Value at which the said Person shall be so rated, and One Vote in respect of any broken Portion of Twenty-five Pounds which shall be over and above all the said Sums of Twenty-five Pounds contained in the said total Amount: Provided always, that no Person shall in any Case be entitled to give more than Four Votes.

Commissioners, &c. not to vote for Election of Commissioners, &c.

CLXI. And be it enacted, That no Commissioner or any Officer of the said Commissioners shall be entitled to vote either for Election of Commissioners, or for increasing the Amount of Rates in respect of any Rate on the said Waterworks or Gas Works, or any other Property vested in him as such Commissioner or Officer.

For ascertaining the Value of Property to be rated.

CLXII. And be it enacted, That the annual Value of all Property so to be rated as aforesaid shall and may be settled and ascertained by the said Commissioners, if they shall think proper so to settle and ascertain the same, according or by reference to the next preceding Rate for the Relief of the Poor within the said Parishes or either of them: Provided always, that if at any Time hereafter from any Cause whatever the Rate for the Relief of the Poor shall, in the Opinion of the said Commissioners, be an unfair or unequal Criterion for ascertaining the real actual annual Value of such Property, it shall be lawful for the said Commissioners from Time to Time to cause a Valuation to be made of all or of any Part of the rateable Property situate or accruing within the said Limits of this Act by some competent Person or Persons to be appointed by the said Commissioners for that Purpose, and all future Rates or Assessments to be made by the said Commissioners for the Purposes of this Act shall be made upon such Valuation, until a new Valuation shall be made by Order of the said Commissioners; and no such Valuation shall be used or referred to for any other Purpose, or be taken as a Criterion of Value for any other Object, than the Purposes and Object of this Act.

Declaration to be made by every Person appointed to value.

CLXIII. And be it enacted, That every Person to be appointed to make such Valuation as aforesaid shall upon his Appointment, or as soon after as conveniently may be, take and subscribe before the said Commissioners, or any Three or more of them, a Declaration (in manner and form prescribed in an Act passed in the last Session of Parliament for the Abolition of Oaths, and substituting Declarations in lieu thereof,) to make such Valuation fairly and impartially according to the best of his Skill and Judgment; and an Entry of the taking such Declaration and the Date of taking the same shall be made in the Book of Proceedings of the said Commissioners.

Power to inspect Poor Rates.

CLXIV. And be it enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to cause all or any of the Books

Books or Assessments of the Rates towards the Relief of the Poor of the said Parishes or either of them to be brought before them, or before any other Person or Persons by them appointed to make such Valuation as aforesaid, 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 Three Days Notice to him for that Purpose given by the Clerk to the said Commissioners, refuse or neglect to attend the said Commissioners, or such other Person or Persons appointed as aforesaid, with such Books or Assessments in his, her, or their Custody or Power, or to permit or suffer the said Commissioners or such other Persons as aforesaid 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.

Landlords to pay Rates in certain Cases.

CLXV. And whereas several Houses within the Limits of this Act may be by the Landlords or Owners thereof, or by some other Person or Persons having the Possession of the same, let as furnished Lodging Houses, or let out into Lodgings or Tenements to divers Tenants, whereby it may be difficult to rate such Houses, and several other such Houses may be let at Rents not exceeding Ten Pounds *per Annum*, whereby it may be difficult to collect from the Tenants or Occupiers thereof the Sums which might be severally charged upon them in respect of such their Occupation; for Remedy thereof be it enacted, That the said Commissioners shall and may rate or assess the Landlord or Owner of any House, or other Person or Persons as aforesaid, which shall be let as a furnished Lodging House, or be let in Lodgings to or be occupied by Two or more Tenants, or which may be let at a Rent not exceeding Ten Pounds *per Annum*, and the Landlord or Owner of every such House, or such other Person or Persons as aforesaid, shall pay the said Rate or Assessment accordingly.

Occupiers may claim to be rated.

CLXVI. And be it enacted, That it shall be lawful for any Person occupying any House or Premises within the said Town to claim to be rated to the said Improvement Rate, whether the Landlord shall or shall not be liable to be rated under the Provisions of this Act in respect thereof, and upon such Occupier so claiming and actually paying or tendering the full Amount of the last-made Rate then payable in respect of such Premises, the said Commissioners are hereby required to put the Name of such Occupier upon the Rate for the Time being; and in case the said Commissioners shall neglect or refuse so to do, such Occupier shall nevertheless be deemed to have been rated in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that nothing herein contained shall be deemed to vary or discharge the Liability of any Landlord; but in case the Tenant or Occupier who shall have been rated for any Premises in consequence of any such Claim as aforesaid shall make default in the Payment of the Rate payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

For rating any Com-

CLXVII. And be it enacted, That in all Cases in which any Lands, Tenements, or Buildings situate within the Limits of this Act, and rateable

under

panies of Proprietors.

under the same, shall belong to or be occupied by any Company of Proprietors, or by any Number of Persons associated together as Partners in the Ownership or Occupation thereof, it shall be lawful for the said Commissioners to rate the said Lands, Tenements, or Buildings in the Name of the Clerk or any other Officer for the Time being of such Company of Proprietors, or in the Name of any One of such Number of Persons associated together as Partners as aforesaid, or in the Name of any Servant or other Person in the actual Occupation of such Lands, Tenements, or Buildings, for and on behalf of such Number of Persons associated together as aforesaid; and all and every Member and Members of any such Company of Proprietors and Number of Persons respectively shall be liable to pay the said Rates in the same Manner as if he, she, or they had been individually named in the said Rate or Assessment.

Commissioners may amend Rates.

CLXVIII. And be it enacted, That the said Commissioners shall and may, if they think proper, either on the Application of any Person aggrieved, or without such Application, at any Meeting, amend any such Rate or Assessment, Rates or Assessments, after the same shall have been made and signed, by inserting therein the Name of any Person who ought to have been but who has not been rated or assessed, or by striking out the Name of any Person who has been but who ought not to have been rated or assessed, or by lessening or raising the Sum or Sums charged in any such Rate or Assessment on any Person or Persons, or in any other Manner in which the said Commissioners shall think proper, for making the same a just and equal Rate or Assessment within the true Intent and Meaning of this Act, and no such Amendment shall be held to vitiate the same or render it less operative; and every Rate which shall be so altered shall be as valid and effectual in Law to all Intents and Purposes as if such Addition had been inserted or such Alteration or Correction had been made in the Rate at the Time the same was first made: Provided always, that every Person whose Name shall be so inserted, or who shall be so made liable to the Payment of any Money, or who shall think himself aggrieved by any such Addition or Alteration, shall be entitled to the same Right of Appeal therefrom as he would have been if such Addition had been inserted or such Alteration made in the Rate at the Time when the same was first made and signed.

Rates to be apportioned between Occupiers quitting and those coming into any House, &c.

CLXIX. And be it enacted, That in all Cases where any Person or Persons shall remove from or quit any Land, Tenement, House, or Building rated or assessed or liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment in proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any Land, Tenement, House, or Building rated or assessed or liable to be rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall have removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person or Persons occupied the same, in like Manner as if he, she, or they had been originally rated or assessed for such Land, Tenement, House, or Building; which said respective Proportions, in

case of Dispute, shall be settled and ascertained by the said Commissioners.

Rates not payable for Houses which shall be wholly unoccupied.

CLXX. And be it enacted, That in case any Messuage, House, or Building rated or assessed under the Provisions of this Act, or liable to be rated or assessed, shall be wholly unoccupied during the whole of a Quarter of a Year in or for which any Rate or Assessment shall have been made in respect of such Messuage, House, or other Building, the quarterly Portion of the said Rate or Assessment which shall accrue or become due for the said Quarter during which the said Messuage, House, or other Building shall be so wholly unoccupied as aforesaid shall not be demandable from or payable by any Person or Persons in respect of the same, unless the said Messuage, House, or other Building shall be usually let as a furnished Lodging House, or as furnished Lodgings.

Occupiers quitting without paying Rates may be followed.

CLXXI. And be it enacted, That if any Person or Persons who has or have been rated or assessed by virtue of this Act shall quit his, her, or their Land, Tenement, House, Shop, Wharf, Warehouse, or any other Building whatsoever whereupon such Rate or Assessment has been made, before he, she, or they shall have paid the same, and shall afterwards refuse to pay the same when due and demanded by the Person or Persons authorized and appointed to collect and receive the same, then and in every such Case it shall and may be lawful to and for such Person or Persons as shall be appointed by the said Commissioners, by Warrant under the Hand and Seal of One or more Justice or Justices of the Peace for the said County of *Devon*, or for the County, Riding, Division, Liberty, Town, or Place to which such Person shall remove, or in which he or she shall reside or be, or where any Goods or Chattels of such Person shall be found, (which Warrant such Justice or Justices is and are hereby required to grant upon Proof made of the Sum so due before him or them upon the Oath of One or more credible Witness or Witnesses,) to levy such Rate or Rates by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay, rendering the Overplus (if any), after Payment of the Money due in respect of such Rate or Assessment, and the reasonable Charges and Expences of such Distress and Sale, unto the Person whose Goods and Chattels shall have been so distrained and sold; and if sufficient Distress cannot be found in the said County of *Devon*, then upon Oath made thereof before any Justice of the Peace of any other County, City, Liberty, or Place in which any of the Goods and Chattels of such Person or Persons shall be found or suspected to be, (which Oath any such Justice is hereby authorized and required to administer and certify by indorsing in his Handwriting his Name on the Warrant granted for making such Distress,) the Goods and Chattels of the said Person or Persons so neglecting or refusing to pay shall be subject and liable to such Distress and Sale in such other County, City, Liberty, or Place where the same shall be found, and may by virtue of such Warrant and Certificate be distrained in the same Manner as if the said Goods and Chattels had been found in the said County of *Devon*.

Recovery of Rates.

CLXXII. And be it enacted, That the Money or Monies so rated or assessed as aforesaid shall be paid by the respective Tenants or Occupiers of such respective Premises, or such other Persons as under the Provisions

of this Act shall be liable to pay the same, to the Collector of the said Rates to be appointed by the said Commissioners, and shall be collected and paid over by such Collector into the Hands of the Treasurer to the said Commissioners, or such Person as the said Commissioners shall order or direct for that Purpose; and if any such Tenant or Occupier or other Person shall neglect or refuse to pay the Money rated or assessed upon him, or which shall be due from him as aforesaid, or his Proportion or Proportions of the same, to the said Collector, for the Space of Seven Days next after personal Demand made thereof, or Demand thereof in Writing left at the last or usual Place of Abode of such Tenant or Occupier or other Person as aforesaid, or on the Premises for which such Tenant or Occupier or other Person shall be so rated or assessed, or any Part thereof, the same shall and may be levied and recovered on and from every such Tenant and Occupier and other Person as aforesaid so neglecting or refusing to pay by Distress and Sale of the Goods and Chattels of such Defaulter, by Warrant under the Hand and Seal of any Justice of the Peace for the said County, on Proof upon Oath of such Neglect or Refusal; and the Surplus, if any, of the Monies to be raised by such Distress and Sale shall be paid, on Demand, to the Owner of the Goods or Chattels so distrained and sold, after deducting all Costs, Charges, and Expences attending or preparatory to such Distress and Sale, to be ascertained by such Justice; and in default of such Distress it shall be lawful for such Justice to commit such Tenant or Occupier or other Person as aforesaid to the Common Gaol of the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon such Rate or Rates, Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences, to be ascertained by the said Justice.

Sessions may amend Rates without quashing them.

CLXXIII. And be it enacted, That upon any Appeal from any Rate or Assessment made in pursuance of this Act the Justices at any General or Quarter Sessions of the Peace for the said County of *Devon* shall and may amend the same in such Manner as may be necessary for giving Relief to the Appellant or Appellants personally, without wholly quashing such Rate or Assessment: Provided always, that if the said Justices shall be of opinion that it is necessary for the Purpose of giving Relief to any Person appealing that the Rate or Assessment shall be wholly quashed, then they may quash the same, and order a new one to be made by the said Commissioners.

Penalty on Parties obstructing Commissioners and their Officers.

CLXXIV. And be it enacted, That if any Person or Persons shall at any Time or Times hereafter obstruct, hinder, or molest the said Commissioners, or their Collector or Collectors, Treasurer, Surveyor, or other Officer or Officers, or any Workmen or other Person or Persons whomsoever who shall be employed by virtue of this Act, or be in any Manner concerned in the Execution thereof, in the Performance of his or their Duty or Work, every Person so offending shall upon Conviction for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners may borrow Money.

CLXXV. And for the more effectually enabling the said Commissioners to execute the Purposes of this Act, be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time when they shall judge necessary, for the Purpose of

carrying this Act into execution, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds, and by any Writing or Writings under the Hands and Seals of any Five or more of them to mortgage, demise, grant, or assign over the Works, Rents, and Rates to be erected, reserved, and made under this Act, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and the Charges and Expences of such Security or Securities respectively shall be from Time to Time defrayed by the said Commissioners out of the Money so borrowed; and every such Mortgage or Assignment may be in the Words or to the Effect following; that is to say,

Form of Mortgage.

'BY virtue of an Act passed in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], we, the undersigned, being of the Commissioners acting in execution of the said Act, in consideration of the Sum of Pounds advanced and lent by of to the said Commissioners upon the Credit of the Works, Rents, and Rates authorized to be erected, reserved, made, and collected by the said Act, do hereby grant and assign unto the said his Executors, Administrators, and Assigns, such Proportion of the said Works, Rents, and Rates as the said Sum of doth or shall bear to the whole Sum borrowed or charged or to be borrowed or charged upon the Credit of the same Works, Rents, or Rates, to be had and holden from the Day of the Date of these Presents until the said Sum of with Interest for the same after the Rate of *per Centum per Annum*, shall be fully repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals this Day of One thousand eight hundred and .'

No Money to be borrowed on Mortgage without previous Notice.

CLXXVI. And be it enacted, That no Sum of Money shall be borrowed at Interest on the Credit of the said Works, Rents, and Rates, or any of them, or any Part thereof, unless the same shall have been determined upon and ordered at a General Meeting of the said Commissioners to be held not sooner than Ten Days after a Notice of such Meeting and of the Object and Purpose thereof shall have been given in some One or more provincial Newspaper for the Time being in circulation in the said County of *Devon*, and also after a like Notice shall have been affixed to the principal Doors of the Parish Churches of *East Teignmouth* and *West Teignmouth* respectively.

No Preference in payment of Mortgages.

CLXXVII. And be it enacted, That the several Persons to whom every such Mortgage shall be made shall be severally entitled to their respective Shares of the said Works, Rents, and Rates, 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 such Mortgage, or on any other Account whatsoever.

CLXXVIII. And

Register to be kept of Mortgages.

CLXXVIII. And be it enacted, That a Book shall be provided by the said Commissioners and kept by their Clerk 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 Mortgagees, and their respective Executors, Administrators, and Assigns, at all seasonable Times, without Fee or Reward.

Mortgages may be transferred.

CLXXIX. And be it enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed on the Credit of this Act, and their respective Executors, Administrators, and Assigns, at any Time by Writing under their respective Hands and Seals to assign and transfer such Securities to any Person whomsoever, and so *toties quoties*; and every such Assignment or Transfer shall be in Writing, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'I being entitled to the Sum of
'secured to Executors, Administrators, and
'Assigns, by virtue of a Mortgage or Assignment dated the
'Day of under the Hands and Seals of
'of the Commissioners acting in the Execution of an Act passed 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
'Works, Rents, and Rates authorized to be erected, received, made,
'and collected by the said Act, do hereby transfer all my Right and
'Interest in and to the same, and all Interest and other Money now
'due and owing thereupon, unto of
'his Executors, Administrators, and Assigns. Given under my Hand
'and Seal this Day of One thousand eight
'hundred .'

Transfers to be registered.

Which Transfer shall, within Seven Days after the Date thereof, be produced to the Clerk to the said Commissioners, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sum of Money thereby transferred, in the Register Book to be kept for entering Copies of the original Mortgages, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, but no sooner, every such Assignment shall entitle the Assignee or Assignees, and his, her, or their Executors and Administrators, to the Benefit of the Monies thereby assigned or transferred, without any further Register or Memorial thereof, except as aforesaid.

Mortgages to be paid off by Ballot.

CLXXX. And for making effectual Provision for paying off all the said Mortgages, be it enacted, That when and so often as there shall be in the Hands of the said Commissioners or of their Treasurer One or more Sum or Sums of Fifty Pounds each above what shall be sufficient for executing the Purposes of this Act, such Commissioners shall cause to to be written upon distinct Pieces of Paper of an equal Size (using a separate Piece of Paper for every Sum of Fifty Pounds) the several Names of all the Holders of Mortgages granted and then in force to the Amount of Fifty Pounds or upwards, and all such Papers shall be rolled

up

up in the same Form and put into a Box, and the Clerk to the said Commissioners shall, in the Presence of Three or more of them, draw separately out of the said Box One of the said Names of such Holders of Mortgages for every distinct Sum of Fifty Pounds which shall be so in the Hands of the said Commissioners or their Treasurer, and thereupon the Holder or Holders of Mortgages whose Name or Names shall be drawn shall accordingly receive the Sum of Fifty Pounds each from such Commissioners or their Treasurer in payment and discharge, or in part payment and discharge, as the Case may be, of the Principal Money due upon his, her, or their Mortgage or respective Mortgages; and after every such Ballot the said Commissioners shall cause Notice, signed by their 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 the Interest due thereon, at a Place specified in such Notice, at the Expiration of Three 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 Three 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 at the End of the said Three Calendar Months, shall nevertheless be payable, on Demand, to the Person or Persons entitled to receive the same.

Power to borrow at a lower Rate of Interest and pay off existing Mortgages at a higher Rate.

CLXXXI. And be it enacted, That in case the said Commissioners shall at any Time be able to borrow 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 or may be granted by the said Commissioners under the Authority of this Act, and which may happen to be then existing, it shall be lawful for the said Commissioners from Time to Time to charge the said Works, Rents, and Rates in manner aforesaid with such Sum or Sums of Money as they shall think proper at such lower Rate of Interest, and the Interest thereof at such lower Rate as aforesaid, and therewith to pay off and discharge by Ballot as aforesaid any of the said original or other Mortgages bearing a higher Rate of Interest, so that the whole Sum to be charged on the said Works, Rents, and Rates shall not at any One Time exceed the Sum authorized to be borrowed, raised, and charged thereon by this Act.

Commissioners may receive any Money subscribed to effect particular Improvements.

CLXXXII. And be it enacted, That in case any Person or Persons shall be desirous of widening or improving any of the Streets, Lanes, public Passages or Places of the said Town of *Teignmouth* by taking down or removing any of the Houses or Buildings mentioned in the Schedule marked (C.) to this Act annexed, or any other Houses or Buildings which the Owners thereof may consent to sell to the said Commissioners for that Purpose, or by removing any Projections, Obstructions, Encroachments, or other Annoyances, or shall be desirous of making any new Streets, Lanes, Ways, or Passages, or any other Improvements in the said Town, and which the said Commissioners may have Power to effect under or by virtue of this Act if their Funds were sufficient for that Purpose, and in case such Person or Persons shall, by Subscription, Gift, or otherwise, voluntarily raise and pay over to the said Commissioners such a Sum of Money as shall be necessary to pay the Expence of effecting such Improvements

ments as aforesaid, or such a Proportion thereof as the said Commissioners shall deem fair and reasonable, it shall be lawful for the said Commissioners, if they shall think proper so to do, to accept and receive from such Person or Persons as aforesaid such Sum of Money or such Proportion thereof as aforesaid, and to apply the same for or towards the carrying into effect such contemplated Improvement, and in aid of the Rates and Rents hereby made payable.

Sinking Fund may be formed to pay Debts.

CLXXXIII. And be it further enacted, That when any Sum of Money shall be borrowed or taken up at Interest upon the Credit of the said Rates or Assessments, any Sum not exceeding Five Pounds *per Centum per Annum* on every such Sum shall, if the said Commissioners think it expedient at any Time hereafter to adopt a Sinking Fund, from thenceforth be charged on this Act, and be appropriated and paid out of the Rates and Assessments, over and besides the Interest payable on the Money borrowed, in order to form a Sinking Fund for the gradual Payment of all and every Principal Sums and Sum so to be borrowed; and as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, then and in such Case that Sum shall be applied in the Payment of an equal Amount of the said Principal Money then due and owing on the Credit or Security of the said Rates or Assessments in the Manner herein-before mentioned.

Expences of this Act.

CLXXXIV. And be it enacted, That the Costs, Charges, and Expences of obtaining, soliciting, and passing this Act, and incident thereto, and the Interest of all and every Sum and Sums of Money which may be advanced or lent for the Purpose, shall be paid and discharged by the said Commissioners out of the first Monies which shall come into the Hands of the said Commissioners or their Treasurer after the passing of this Act, in preference to all other Payments whatsoever.

Power to direct Prosecutions and pay Charges thereof.

CLXXXV. And be it enacted, That it shall be lawful for the said Commissioners to direct any Prosecution or Prosecutions at the Assizes or Quarter Sessions for the said County of *Devon* for any public Nuisance whatsoever which shall be committed or suffered within the said Town, and for or concerning any Resistance to the Execution of the Authorities of this Act, or to the Authority of any Person acting under the same, and to direct and order the Expences of such Prosecution to be paid and borne by and out of the Funds to be raised and provided as herein mentioned.

Compensation for Damages by Commissioners to be levied by Distress of the Goods, &c. vested in them or their Treasurer.

CLXXXVI. And be it enacted, That when and as often as any Sum or Sums 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 otherwise provided for and directed, and such Sum or Sums of Money shall not be paid by such Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made for that Purpose from the Treasurer of the said Commissioners, 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, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Devon*, 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 or Sums of Money as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury as aforesaid, or for any Costs or Expences as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners or their Treasurer, as the Case may be; and it shall be lawful for such Treasurer to retain out of any Monies which he may have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any Warrant as aforesaid.

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

CLXXXVII. And be it 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 or determined by the Justice or Justices of the Peace, not being a Commissioner or Commissioners under this Act, by or before whom any Offender shall be convicted of any such Offence or Offences; and such Justice or Justices 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 the levying of any Penalties or Forfeitures.

For recovering of Penalties not exceeding 20*l.*

CLXXXVIII. And be it enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by or under any Rule, Order, or Regulation to be made in pursuance thereof, the Manner of levying and recovering whereof is not herein-before particularly directed, not exceeding the Sum of Twenty Pounds, may be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace for the said County of *Devon* on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Monies raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner of the Goods and Chattels so seized or distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the said Commissioners or their Treasurer, to be applied for the Purposes of this Act, unless Penalties shall be incurred by the said Commissioners, in which Case they shall be paid, unless otherwise directed by this Act, in equal Moieties to the Overseers of the Poor of the said Parishes of *East Teignmouth* and *West Teignmouth*, and be by them applied in

in aid of the Poor Rate; and it shall be lawful for the said Justice or Justices to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice or Justices for his 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 Seven Days from the Time of taking any such Security, which Security the said Justice or Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be made whereon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or if it shall appear to such Justice or Justices, either by Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereon to levy such Penalty and Costs as aforesaid on a Warrant of Distress being issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices and they are hereby authorized and required, by Warrant under his and their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol of the said County of *Devon*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, shall be sooner paid and satisfied.

Recovery of Penalties exceeding 20*l.*

CLXXXIX. Provided also, and be it further enacted, That all the Penalties and Forfeitures by this Act imposed, and being above the Amount of Twenty Pounds, shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or more than One Imparlance shall be allowed to the Defendant or Defendants; and the Plaintiff or Plaintiffs, if he or they recover in any such Action, shall have his or their full Costs.

Justices may proceed by Summons in the Recovery of Penalties.

CXC. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before any Justice or Justices of the Peace, it shall be lawful for him or them to whom Complaint shall be made of any Offence against this Act to summon the Party complained against and all necessary Witnesses before him or them, and on the Appearance of the Party complained against, or on his or her Nonappearance, then upon Proof of the Service of the Summons of such Party by leaving the same at his or her last or usual Place of Abode, to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and adjudge him or her 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 or Justices; and all such Proceedings by Summonses without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Form of Conviction.

CXCI. And be it enacted, That for the more easy Conviction of Offenders against this Act any Justice or Justices of the Peace before whom any

any Person shall be convicted of any Offence against this Act, or any Bye Law, Rule, Order, or Regulation made in pursuance thereof, shall and may cause the Conviction to be drawn up in the Form of Words or to the Effect following; (that is to say,)

'BE it remembered, That on the Day of in the Year *A. B.* is convicted before me [*or* us, *as the Case may be*,] of His Majesty's Justices of the Peace for [*here specify the Offence, and when and where committed*,] contrary to the Statute made in the Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*]; and I [*or* we] do hereby adjudge that the said *A. B.* has forfeited for the said Offence the Sum of . Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.'

Inhabitants and Officers competent Witnesses.

CXCII. And be it enacted, That no Inhabitant of the said Town, or Commissioner, Treasurer, Clerk, or other Officer acting in execution of this Act, shall be deemed an incompetent Witness in any Action, Suit, or Information, Complaint, Appeal, Prosecution, or Proceeding whatsoever, to be had, made, prosecuted, or carried on under the Authority of this Act, by reason of his being rated or assessed or liable to be rated or assessed by virtue of this Act, or by reason of his being a Commissioner, or filling or holding any other Office under the same.

Penalty on Witnesses not attending.

CXCIII. And be it enacted, That if any Person shall be summoned by any Justice or Justices as a Witness to give Evidence before him or them or any other Justice or Justices, touching any Complaint for any Offence against this Act, or against any Bye Law, Rule, Order, or Regulation made in pursuance thereof, whether on the Part of the Prosecutor or of the Person 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 Costs and Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined on Oath, (or, being a Quaker, on Affirmation,) or to give Evidence touching the Matter in question before such Justice or Justices, then and in all such Cases every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Informations for Offences to be laid within Six Months.

CXCIV. And be it enacted, That no Person shall be liable to the Payment of any Fine, Penalty, or Forfeiture imposed by this Act for any Offence against the same, unless Information be given of such Offence within Six Calendar Months next after the committing of such Offence, except in Cases where any other Period is mentioned or limited in and by this Act.

Persons found in the Act of committing any Offence may be apprehended without a Warrant.

CXCV. And be it enacted, That in case any Person or Persons shall be found committing any Offence against any of the Provisions of this Act, or any Rule, Order, or Regulation made in pursuance thereof, it shall be lawful for any One of the said Commissioners, or any of their Surveyors, or other Officers or Servants, or any other Person or Persons authorized by the said Commissioners, and such other Person or Persons as he or they or any of them shall call to his or their Assistance, without any Warrant or

or Authority other than this Act, to apprehend, seize, and detain all and every such Offender or Offenders being unknown to such Commissioners, Collector, Surveyor, or other Officers, Servants, or Persons, and forthwith to take and convey, or cause to be taken and conveyed, him, her, or them before some Justice of the Peace, who is hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Power to reward Informers.

CXCVI. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time, if they shall see Cause, to pay and apply such Part of any Penalties or Forfeitures as they shall think proper, not exceeding One Moiety thereof respectively, to and for the Use of the Informer or Informers of any Offence or Offences against this Act, except where any thing is contained to the contrary in this Act.

Notice on Commissioners how to be served.

CXCVII. And be it enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Notice or Notices, or any Writ or Writs, or other Proceeding or Proceedings, whether at Law or in Equity, upon the Commissioners for executing this Act, the Service of such Notice, Writ, or other Proceedings in Writing upon any One of the Members of any Committee to be appointed in pursuance of this Act, or upon the Clerk to the said Commissioners, or in case there shall not be any such Committee appointed, then upon any One of the said Commissioners, or delivering the same to some Inmate at the usual Place of Abode of any One of the Members of such Committee, or at the Office of the said Commissioners, or at the Office or Dwelling House of the Clerk to the said Commissioners, or to some Inmate at the usual Place of Abode of any One of the said Commissioners (as the Case may be), shall be deemed a sufficient Service of the same respectively upon the said Commissioners.

Other Notices how to be served.

CXCVIII. And be it enacted, That in all Cases of Notices or Demands in Writing directed or required by this Act to be given or served, or which shall or may be necessary for carrying into execution any of the Powers or Provisions of this Act, the Service of any such Notice or Demand by delivering the same or a true Copy thereof to the Person to whom the same ought to be given, or by leaving the same or a true Copy thereof at his Dwelling House or usual or last Place of Abode, shall be a sufficient Service thereof (except only in Cases where personal Service is expressly required); or in case it shall be necessary to serve any Notice upon any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, then the leaving such Notice or a true Copy thereof at the Office or Place of Residence of the chief Officer of any such Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, shall be deemed sufficient Service thereof; and in all Cases where any such Notice ought to be given to Two or more Persons for or respecting any joint Act, Refusal, Omission, Offence, Neglect, or Default of any Person who shall be in Partnership, or jointly concerned in such Act, Refusal, Omission, Offence, Neglect, or Default, the like Service of any such Notice on any One of such Persons shall be a sufficient Service thereof.

Distress not to be deemed

CXCIX. And be it enacted, That where any Distress shall be made for any Money to be levied or received by virtue of this Act, the Distress

itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in any Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which may be afterwards done by the Party distraining, but the Person aggrieved by such Irregularity may maintain an Action on the Case for the special and actual Damage (if any) sustained thereby, but not otherwise.

unlawful for Want of Form.

CC. And be it enacted, That no Rate, or any Action, Verdict, Judgment, Conviction, Order, Matter, or Thing, or other Proceeding which shall or may be had, made, done, or taken in pursuance or under or by virtue of this Act, shall be made void, quashed, or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; provided that in case of Appeal touching any Matter or Thing arising from or relative to the Execution of this Act the Court of Quarter Sessions before whom the same is heard and determined may, if they think fit, state the Facts specially for the Determination of His Majesty's Court of King's Bench thereon, in which Case it shall be lawful to remove the Proceedings by Writ of Certiorari or otherwise into the said Court of King's Bench.

Proceedings not to be void forWant of Form, nor removed by Certiorari.

CCI. And be it enacted, That no Action or Suit shall be commenced against any Person for any Act or Thing done in pursuance or under the authority or colour of this Actuntil Ten Days Notice thereof shall have been given in Writing to the Person intended to be sued, or to the Clerk to the said Commissioners, as the Case may be, nor after sufficient Satisfaction or Tender thereof shall have been made to the Party aggrieved, nor after Six Calendar Months from the Time when the Cause of such Action shall have arisen or been committed, or have ceased and determined, unless otherwise particularly directed by this Act; and every such Action and Suit shall be brought, laid, and tried in the County or Place where the Cause of Action shall have arisen or been committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit 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 in pursuance or under the authority or colour of this Act, or if it shall appear that such Action or Suit was brought before Ten Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or paid into Court, with the Leave of the Court, either before or after Issue joined in such Action or Suit, or if such Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other County or Place than as aforesaid, then 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 shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, shall recover his, her, or their Costs, and have such Remedy for the same as any other Plaintiff or Defendant hath in any other Case by Law.

Limitation of Actions.

CCII. And

Persons aggrieved may appeal to the Sessions.

CCII. And be it enacted, That if any Person, Body Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Order, Direction, or Appointment of the said Commissioners, or by reason of any Rate or Assessment to be made for the Purposes of this Act, or by any Order, Conviction, or Determination of any Justice or Justices, or by any Rule, Order, or Regulation made, or Matter or Thing done, in pursuance of this Act, (and for which Grievance no particular Method of Relief hath been already provided,) it shall be lawful for such Person, or Body Politic or Corporate, to appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held in and for the said County of *Devon* within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given at least Ten Days Notice in Writing of his, her, or their Intention to appeal as aforesaid, and of the Matter or Cause thereof, to the Clerk to the said Commissioners, or other the Respondent or Respondents, and within Four Days after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and pay such Costs as shall be awarded by the said Justices at such Sessions; and such Justices, upon due Proof of such Notice having been given as aforesaid, and of such Recognizances having been entered into, shall hear and finally determine the Matter and Cause of such Appeal in a summary Way, and shall and may, according to their Discretion, award such Satisfaction and Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding to and upon all Parties to all Intents and Purposes whatsoever.

Meaning of certain Words in this Act.

CCIII. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

CCIV. And be it 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.

SCHE-

SCHEDULE (A.) to which the foregoing Act refers.

William Reginald Courtenay, Esquire, commonly called Lord Courtenay.
Jacob Bickford Bartlett.
The Reverend John Comyns, Clerk.
George Savage Curtis, Esquire.
William Cartwright.
Edward Croydon.
John Croydon.
Richard Eaton.
Lawrence Gwynne, LL.D.
John Peters Hubbard.
William Langmead, Esquire.
William Mackworth Praed, Esquire.
William Partridge.
Robert Putt.
Reverend William Page Richards, LL D.
John Sweetland, Esquire.
Richard Shimell.
Thomas Webber.

SCHEDULE (B.) to which the foregoing Act refers.

Parish of Bishopsteignton.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
1	Ann Narramore, Widow - -	- - -	William Cornish -	Moorland.
2	Ditto - - - -	- - -	Ditto - -	Private Road.
3	Ditto - - - -	- - -	Ditto - -	House and Farm Buildings.
4	Ditto - - - -	- - -	Ditto - -	Orchard.
5	Ditto - - - -	- - -	Ditto - -	Field.
6	Ditto - - - -	- - -	Ditto - -	Ditto.
7	Ditto - - - -	- - -	Ditto - -	Ditto.
8	Ditto - - - -	- - -	Ditto - -	Ditto.
9	Ditto - - - -	- - -	Ditto - -	Ditto.
10	Ditto - - - -	- - -	Ditto - -	Ditto.
11	George Knill - - - -	- - -	Elizabeth Dally -	Ditto.
12	Ditto - - - -	- - -	Ditto - -	Ditto.
13	John Line Templer, Reverend James Acland Templer, Henry Bull Strangways, and Reverend Christopher Wolston, some or one of them, as Trustees and Receivers for James George John Templer, an Infant - -	- - -	William Paddon -	Field and Farm Buildings.
14	Ditto - - - -	- - -	Ditto - -	Orchard.
15	Ditto - - - -	- - -	Ditto - -	Field.
16	Ditto - - - -	- - -	Ditto - -	Orchard. The Situation of Northern Small Reservoir.
17	Ditto - - - -	- - -	Ditto - -	Field.
18	Ditto - - - -	- - -	Ditto - -	Ditto.
18 a	Ditto - - - -	- - -	Ditto - -	Ditto.
19	Ditto - - - -	- - -	Ditto - -	Orchard and Farm Buildings.
20	Ditto - - - -	- - -	Ditto - -	Private Road.
21	Ditto - - - -	- - -	Ditto - -	Kitchen Garden, Farmhouse, and Outhouses.
22	Ditto - - - -	- - -	Ditto - -	Orchard.
23	Ditto - - - -	- - -	Ditto - -	Field.
24	Ditto - - - -	- - -	Ditto - -	Orchard.
26	Ditto - - - -	- - -	Martha Brock -	Ditto.
26 a	Ditto - - - -	- - -	Ditto - -	Field.
28	Ditto - - - -	- - -	Ditto - -	Barn, Courtlage, and Kitchen Garden.
25	Reverend John Comyns -	- - -	Ditto - -	Labourer's Cottage, Courtlage, and Barn.
27	Ditto - - - -	- - -	Ditto - -	Kitchen Garden.
29	Surveyors of the Highways -	- - -	Surveyors of the Highways - -	Parish Road.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.

Parish of Bishopsteignton — continued.

72	Reverend John Comyns - -	William Mackworth Praed, Esquire -	Joseph Nickel, Abraham Stripling	KitchenGarden.
72 a	Ditto - - - -	Ditto -	Ditto - -	Mill House, Courtlage, Water Grist Mill, and Pond.

Parish of West Teignmouth.

30	Biddy Langley - - -	- - -	John Gribble -	Orchard. The Situation of the Southern Small Reservoir.
30 a	William Drake - - -	- - -	Robert Manley -	Field.
31	John Line Templer, Trustee for Eliza Jane Squarey Periman Tonkin - - -	- - -	Thomas Coldridge	Herb Garden.
32	Ditto - - - -	- - -	Ditto - -	Field.
33	William Coldridge - - -	- - -	William Hele -	Orchard.
33 a	Thomas Hele - - - -	- - -	Mary Cock - -	Field.
34	William Coldridge - - -	- - -	Samuel Murch -	Herb Garden.
35	Ditto - - - -	- - -	Richard Foster -	Ditto.
36	Ditto - - - -	- - -	William Hele -	Ditto.
37	William Bragg - - -	- - -	James Seaman -	Ditto.
38	Warwick Hele Tonkin, junior Esquire - -	- - -	Thomas Coldridge -	Field.
39	William Mackworth Praed, Esquire	- - -	William Bray -	Ditto.
40	John Smallridge - - -	- - -	John Smallridge -	Herb Garden.
41	William Mackworth Praed, Esquire	- - -	William Bray -	Orchard.
42	Robert Tucker - - -	- - -	James Connett -	Garden.
43	Reverend Richard Newman, William Newman, Esquire, Kelynge Greenway, Esquire, George Cattell Greenway, Esquire, Eliza Durnford, Spinster - -	- -	Henry Hore - -	Field.
44	John Smallridge - - -	- - -	John Smallridge -	Ditto.
45	Thomas Babb - - -	- - -	Samuel Tothill -	Herb Garden.
46	Ditto - - - -	- - -	Thomas Gotham -	Ditto.
47	Robert Jordan, John Burd, and John Taylor, as Trustees for Mrs. Charlotte Bulkley -	- - -	James Connett -	Orchard.
48	Ditto - - - -	- - -	Ditto - -	Field.
49	Robert Jordan - - -	- - -	John Creasy - -	Ditto.
50	Harriet Matterface, Sarah Jeffery - - - - -	- - -	William Gilpin -	Orchard.
51	John Wills - - - -	- - -	William Bragg -	Field.
52	John Chappell Tozer - -	- - -	John Luce - -	Ditto.
53	Harriet Matterface, Sarah Jeffery - - - - -	- - -	William Gilpin -	Ditto.
54	Ditto - - - -	- - -	Ditto - -	Ditto.
55	William Mackworth Praed, Esquire	- - -	John Creasy - -	Ditto.
56	Ditto - - - -	- - -	Ditto - -	Ditto.
57	Ditto - - - -	- - -	Ditto - -	Ditto.
58	William Taylor and Thomas Hannaford, Trustees for George Hannaford, and Sarah his Wife - - -	- - -	John Luce - -	Ditto.

No. on Plan.	Owners.	Lessees.	Occupiers.	Description of Property.
	Parish of West Teignmouth—continued.			
59	Reverend John Martyn Collyns	- - -	James Reed - -	Field.
60	Ditto - - -	- - -	Ditto - -	Orchard.
61	Ditto - - - -	- - -	Ditto - -	Ditto.
62	William Mackworth Praed, Esquire	- - -	John Creasy - -	Field.
63	Robert Tucker - - -	- - -	George Potter -	Garden.
64	Ditto - - - -	- - -	Ditto - -	Ditto.
65	Right Honourable Susan Dowager Viscountess Exmouth -	- - -	Thomas Mann -	Field.
65 a	Ditto - - - -	- - -	Ditto - -	Ditto.
66	Ditto - - - -	- - -	Ditto - -	Ditto.
67	Humphrey Langley - -	- - -	John Mann - -	Orchard.
68	Right Honourable Susan Dowager Viscountess Exmouth -	- - -	Thomas Mann -	Field.
69	Ditto - - - -	- - -	Ditto - -	Ditto.
70	William Mackworth Praed, Esquire	- - -	Joseph Nickels -	Ditto.
71	Ditto - - - -	- - -	William Mackworth Praed, Esquire -	Ditto.
73	Ditto - - - -	- - -	Ditto - -	Ditto.
74	Ditto - - - -	- - -	Ditto - -	Ditto.
75	Ditto - - - -	- - -	Ditto - -	Ditto.
76	Ditto - - - -	- - -	Ditto - -	Ditto.
77	Ditto - - - -	- - -	Ditto - -	Ditto.
78	Surveyors of the Highways -	- - -	Surveyors of the Highways -	Parish Roads.
79	William Mackworth Praed, Esquire	- - -	William Mackworth Praed, Esquire -	Garden.
80	Ditto - - - -	- - -	Ditto - -	Lawn.
81	Ditto - - - -	- - -	Ditto - -	Field.
82	Trustees of Teignmouth and Dawlish Turnpike - -	- -	Trustees of Teignmouth and Dawlish Turnpike -	Turnpike Road.
82 a	William Mackworth Praed, Esquire	- - -	William Mackworth Praed, Esquire -	Waste Ground.
83	Henry Temple, and William Mackworth Praed, Esquire	- - -	Henry Temple, Esquire	Field.
83 a	Henry Temple, Esquire -	- - -	Ditto - -	Lawn.
84	John Line Templer, Esquire, Trustee for Eliza Jane Squarey Periman Tonkin -	- - -	Thomas Knill -	Field.
85	William Mackworth Praed, Esquire	- - -	William Mackworth Praed, Esquire -	Ditto.
86	William Langmead and Robert Jordan - - -	- - -	Richard Hallett -	Ditto.
87	Elizabeth Waye Penson - -	- - -	William Yeo -	Ditto. The Situation of the Large Reservoir.

SCHE-

SCHEDULE (C.) to which the foregoing Act refers.

PARISHES OF EAST AND WEST TEIGNMOUTH.

Description.	Owners.	Lessees.	Occupiers.
	Northumberland Place.		
Part of Garden Plot in front of House	Samuel Trehawke Kekewich and John Wilkinson	Abraham Holditch	Elizabeth Darch.
Dwelling House	Robert Tucker		Richard Skinner.
Small Garden Plot	Samuel Langley	Richard Shimell	Himself.
Cottage	Ditto	Ditto	Elizabeth Parsons.
Wall and Part of Garden in front of House	John Rendle		Himself.
Plot of Ground extending from the Southern End of Somerset Place to New Market Street	John Cockram		Henry Veale.
The Eastern Side of a Plot of Ground opposite Somerset Place, 6 Feet in Width at the Northern End, and proceeding Southward in a straight Line, to terminate in nothing at the Southern End	Elias Pitts Brewer		Himself.
	New Market Street.		
Little Plot at back of Veal's Stables	S. T. Kekewich John Wilkinson	John Cockram	Henry Veale.
Ditto, used as a private Road	Ditto	Jacob Bartlett Edward West	Themselves.
Ditto, used as a private Road	Jacob Bartlett Edward West		Themselves.
Dwelling House	S. T. Kekewich John Wilkinson	Edward West	Sally Holmes.
Stable and little Plot adjoining	Edward West		Himself.
	Quay Street.		
Dwelling House		John Matthews	Thomas Taylor.
Corner of Wall and Office	Duke of Somerset		Whiteway, Watts, and Co.
	Bank Street.		
Corner of Garden adjoining John Kemp's House	Catherine Rogers Jane Rogers Louisa Rogers		George Byne.

Description.	Owners.	Lessees.	Occupiers.
	Wellington Row.		
Little Plot in front of House	S. T. Kekewich John Wilkinson	Thomas Bartlett	Himself.
Projecting Shop Window	Ditto	John Litton	William Snelling.
Corner of Garden in front of House	Grace Freeman Bartlett		John Peters Hubbard.
	Regent Place.		
Triangular Plot in front of Regent Place, enclosed by Rails	S. T. Kekewich John Wilkinson		Themselves.
Part of Garden in front of House	Caroline Prowse Eliza Prowse George Durant		Jane Withycombe.
Dwelling House	William Wakeham		John Ryder.
Part of Plot of Ground	S. T. Kekewich John Wilkinson	John Wylie	Himself.
Shop	Ditto	Charles Hubbard	George Palk.
Ditto	Ditto	Ditto	Andrew Payne.
Ditto	Ditto	Ditto	Ann Richards.
Ditto	Ditto	Ditto	George Diamond.
Ditto	Ditto	John Cockram	James Baker Marles.
Part of small Plot of Ground	Ditto	Ditto	James Martin.
Dwelling House	Charity Cooke		Herself.
Ditto	John Parker		Robert Harrad.
Ditto	Betty Hill Cousins		Charlotte Burgess.
Ditto and Shop	John Parker		William Mayer.
	Dawlish Road.		
Projecting Bow Window	William Taylor Thomas Hannaford		Robert Wannell.
Projecting Shop Window	Samuel Cousins		Himself.
Ditto	Robert Cotmore		Himself.
Dwelling House	Edward Metherell		Unoccupied.
Ditto	Ditto		Richard Full.
Ditto	William Taylor		Joanna Palmer.
Ditto	Ditto		George Dally.
	Bella Vista.		
Little Garden, Courtlage, and Offices, in front of Houses	George Philip Newkey		Himself.
	Courtenay Row.		
Southern Corner of Garden in front, and Western Corner of Garden at the back of House	S. T. Kekewich John Wilkinson	Richard Brine	Himself
	Fore Street.		
Southern Corner of London Hotel, and projecting Bow Window	John Cockram		Henry Veale.
Dwelling House and Offices	Elias Pitts Brewer		Benjamin Jonas.
Dwelling House	Ann Tozer Tucker Maria Eliz. Tucker		Joseph Bradbeer.

Description.	Owners.	Lessees.	Occupiers.
	Fore Street—continued.		
Dwelling House	Robert Tucker		John Berry. Solon Rowe.
Ditto	Ditto		Joanna Hurrell.
Ditto	Samuel Langley junior, Thomas Rendell		Thomas Carpenter.
Ditto	Ditto		John Reed.
Butcher's Shop, and little Plot adjoining	William Hallett		Himself.
Garden Plot in front of House	Ditto		Ditto.
Small Plot in front of House	Ditto		James Reed.
Ditto	John Line Templer, Trustee for Eliza Jane Squarey Periman Tonkin		George Gervis.
	Bitton Street.		
Pound House and Barn, Garden behind, and Waste Ground in front	Lord Clifford	Samuel Langley junior, Thomas Rendell	Themselves.
Two Cottages and Gardens	Robert Jordan, John Burd, John Taylor		Mary Hindom. Fanny Raleigh.
Three Cottages and Gardens	Ditto		Henry Parish. William Bond. William Hexter.
Toy Shop, Courtlage, and Garden Plot	Samuel Langley junior, Thomas Rendell		Elizabeth Prideaux. Thomas Rowell.
Small Plot in front of House	Samuel Arscott		Himself.
Shop and little Garden Plot	Biddy Langley		William Beer.
Little Garden Plot in front of House	Ditto		Ann Neck.
Plot in front of Cellar	Ditto		Unoccupied.
Dwelling House, Garden, and Offices	Ditto		Unoccupied.
Five Dwelling Houses, Gardens, and Offices	Mary Bowden		Herself. Jane Bulley. John Arscott junior. James Hayman. Ann Mann.
Part of Dwelling House	Eliza Stephens		James Bond.
Cottage and Garden behind	Elizabeth Waye Penson		William Bassett.
Seven Cottages, Courtlage, and Gardens	Peggy Warren		Jane Bovey. William Narramore. John Tibbs. Samuel Young. George Bryant. John Burridge. Gustavus Johnson.
Causeway in Bitton Street	Surveyors of the Highways of West Teignmouth		Themselves.
Part of Garden in front of House	John Chappell Tozer, William Anson Cartwright		John Phepoe.
Ditto	James Stephen, Esquire, Francis Bedwell, Esquire		Elizabeth Squire.
Part of Garden	Charlotte Goss		William Rainforth.
Part of Dwelling House and Part of Courtlage	Mary Hayman		Herself.

Description.	Owners.	Lessees.	Occupiers.
	Bitton Street—continued.		
Dwelling House	Thomas Hele		Himself.
Ditto and Courtlage	Margaret Hume		Herself.
Ditto	Mary Hayman		George Loutten.
Cottage	William Rufus Jordan		William Taprell.
Ditto and Courtlage	William Coldridge		Himself.
Ditto	Samuel Coldridge		Elizabeth Causley.
Ditto	Samuel Hindon		John Brown.
Ditto	Elizabeth Timewell		Henry Hore.
Ditto and Garden	Thomas Adams		Unoccupied.
Part of Garden	William Rufus Jordan		Himself.
Part of Garden adjoining Bitton Street, and Part of Stable Yard	Henry Temple		Himself.
Part of Stables and Garden	Dowager Lady Exmouth		Herself.
Causeway on Bitton Hill	Surveyors of the Highways of West Teignmouth		Themselves.
	Old Market Street.		
Dwelling House	S. Trehawke Kekewich, John Wilkinson	Thomas Hele	William Tucker.
Part of Blacksmith's Shop	William Ballamy		Unoccupied.
Part of Cooper's Shop	William Newman		Samuel Bond.
Projecting Chimney	Thomas Mitchell		Himself.
Small Plot in front of House, and Porch	John Line Templer, Trustee for Eliza Jane Squarey Periman Tonkin		Unoccupied.
Western Corner of Garden	Lord Clifford	Mary Templer	George Savage Curtis.
South-eastern Corner of Coal Yard	Thomas Flamank		Thomas Hutchings.
	Upper Brook Street.		
Projecting Porch and Room over	Abraham Vicary		Elizabeth Wells.
Cobler's Shop	Ditto		Samuel Byne.

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