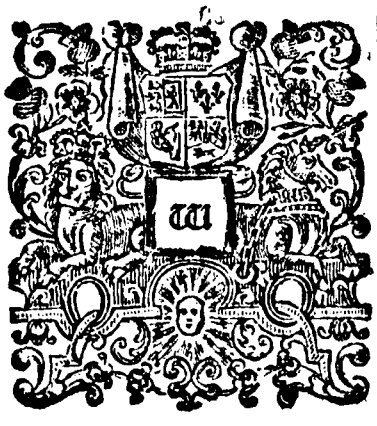
Anno primo

Georgii III. Regis.

An Act for enlightening the Streets within the City of *Exeter*, and Suburbs thereof.



WHEREAS the City of Exeter, which is a Place of considerable Trade in the Woollen Manufacture, and very populous, wherein many Fairs are kept and held yearly, and through which the great Western Road from the City of London into Cornwall leads, is not at present enlightened in the Night-time: And whereas properly enlightening the said City and Suburbs thereof, will be of great Importance, and tend to the Preservation of the Persons and Properties of the Inhabitants thereof, and other Persons resorting thereto: 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 such a convenient and sufficient Number of Glass Lamps, of such Sort and Fashion, and put up in such Parts and Places of the said City of Exeter, and its Suburbs, and the Liberties and Precincts thereof, as to the Mayor and Justices of the said City, at their General Quarter Sessions, to be held yearly and every Year, next after Easter, shall, from time to time, seem meet and expedient, shall be, with all convenient Speed, erected and fixed to or near any House or Building, Place or Places whatsoever, within the said

Preamble.

Lamps to be put up.

and kept burning, from Sun-setting to Sun-rising, from 20 *August* to 20 *April*.

City, Suburbs, or Precincts thereof; and the same shall be lighted, and kept burning, from Sun-setting to Sun-rising, from the Twentieth Day of August to the Twentieth Day of April yearly.

Charges of the Lamps,

And, for defraying the yearly Charges of supplying, maintaining, and repairing, the same Lamps, be it enacted by the Authority aforesaid, That the said Mayor and Justices shall and may, and they are hereby authorized and impowered, yearly and every Year, at their said Easter Quarter Sessions, to ascertain what Sum or Sums of Money, not exceeding, in any One Year, the Sum of Two hundred Pounds, shall be raised and levied within the next ensuing Year, to be applied as herein after is directed, for the supplying, maintaining, and repairing the same: And they are hereby authorized and required indifferently to ascertain and declare what Sum or Sums of Money, Part of the aforesaid Sum of Two hundred Pounds, shall be raised and levied upon each Parish and Precinct within the said City and its Suburbs, and by their Order, made at the said Sessions, to authorize and require the Churchwardens and Overseers of the Poor of each respective Parish and Precinct to assess the same respectively, by an equal and indifferent Assessment or Taxation of every Inhabitant living and residing in the said City, and its said Suburbs, Liberties, and Precincts, rating and paying to the Poor Rates of the said Parishes, Suburbs, Liberties, and Precincts respectively, for or in respect of their Persons or Personal Estate: And that, for such Purpose, it shall and may be lawful to and for the Churchwardens and Overseers of the Poor of the said several Parishes, Suburbs, and Places, or the major Part of them, and they are hereby required, yearly and every Year, on some Day within the Space of One Calendar Month from Easter-day, to meet at the Vestry, or at some publick Place within their respective Parishes, Precincts, or Places, upon Notice of the Day and Place to be given by the Churchwarden or Churchwardens of the said Parish, Precinct, or Place, who is and are to take Care that Notice be given accordingly in the Parish Church on a Sunday immediately after Divine Service; and they, or the greater Number of them there present, are hereby required to make and settle an equal Rate or Rates, Assessment or Assessments, to commence from Lady-day next preceding, upon the said Inhabitants of the said Parishes, Precincts, and Places, according to their several Abilities as aforesaid; such Rates and Assessments to be made for the Year following, for the maintaining and repairing the Lamps afore-

to be paid by a Rate;

said: And shall then also, at such Meeting, appoint Two Collectors for collecting the same, by Quarterly Payments, within the several Parishes, Precincts, and Places, of the said City and its Suburbs, for which they are so appointed Collectors: Which said Rates shall be allowed and confirmed by Two or more Justices of the Peace of the said City, whereof the Mayor for the time being to be One, or any Three Justices without the Mayor: Of which which said Rate, so allowed as aforesaid, the said Churchwardens or Overseers, shall give, or cause to be given, publick Notice in their said respective Churches the next Sunday after the same shall have been so allowed: And that no Rate shall be esteemed or reputed valid and sufficient, so as to collect and raise the same, unless such Notice shall have been given: And after the said Rates shall be so made, confirmed, and published, the said Mayor and any One of the said Justices shall have Power, and are hereby required, to cause the same to be levied by Quarterly Payments, within the several Parishes, Precinct, or Places, of the said City, and its Suburbs: And if any such Person or Persons shall wilfully and obstinately refuse or neglect to give Notice, assess, or collect, as aforesaid, being thereunto summoned and appointed as aforesaid, every such Person and Persons shall forfeit the Sum of Five Pounds: And in case any Person or Persons, so assessed, shall refuse or neglect to pay the same by the Space of Four Days next after the Time herein-after limited for Appeals, on Demand thereof made, it shall and may be lawful for the said Collectors, by Warrant under the Hands and Seals of the said Mayor and any One or more of the said Justices, or any Three Justices without the Mayor, to levy the same by Distress and Sale of the Goods of any such Person or Persons, found or being within any Parish, Place, or Precinct, of the said City or its Suburbs, rendering to him or them the Overplus, if any be, and demanded, after the necessary Charge for taking such Distress and Sale is first made: And that every Collector and Collectors is and are hereby required, when and as often as he or they shall have collected the Sum of Five Pounds, to pay the same into the Hands of the Receiver of the Chamber of the said City for the time being, for which he or they shall be appointed Collector or Collectors, so as such Collector or Collectors shall never have the Sum of Five Pounds in his or their Hands for more than Ten Days at any one Time.

to be levied by Distress and Sale.

Provided always, and it is hereby declared, That in case any Person or Persons, Parish, Place, or Precinct, shall think him, her, or themselves aggrieved by such Tax

Persons aggrieved may appeal to the Quarter Sessions.

or Assessment as aforesaid, it shall and may be lawful for them respectively, within the Space of Twenty Days after such Tax or Assessment shall be laid, to appeal to the said Mayor and Justices at their next General or Quarter Sessions, whose Decision shall be final and conclusive.

Mayor and Justices to contract for lighting the Lamps;

And be it further enacted by the Authority aforesaid, That the said Mayor and Justices shall and may, and they are hereby required, authorized, and impowered, to contract and agree, yearly and every Year, in Easter Sessions, in their publick and open Court, with any Person or Persons for the lighting, trimming, snuffing, cleansing, supplying, maintaining, and repairing, such Number of Lamps as shall, as aforesaid, be deemed necessary for the said several Parishes, Precincts, and Places respectively.

not exceeding One Year.

Provided nevertheless, That such Contract or Contracts be not made for any Space of Time exceeding One whole Year at one Time; and that no Mayor for the time being, or any Justice or Justices of the Peace in the said City, or any Person or Persons in Trust for him or them, or any of them, shall be concerned or interested in any Contract, or otherwise, for lighting the said City, or any Part thereof, or for providing or fixing any of the said Lamps, or of any Posts, Irons, or other Materials necessary thereto.

And whereas Deficiencies may arise by reason of the Deaths or Insolvency of Persons assessed, or of the Collectors, or by Reason of the Removal of Persons so assessed without paying their several Assessments, or by Reason of Alterations which may be made on Appeals in the said Rates, or otherwise; be it further enacted and declared by the Authority aforesaid, That then, and in every such Case, the same shall be again rated and laid on the Inhabitants of the said Parish, Precinct, or Place, in or for which such Deficiencies shall arise or happen, and be collected and levied by a new or additional Assessment on all the Inhabitants of such Parishes, Places, or Precincts respectively, in Proportion to what they had or ought to have paid, for supplying and making up such Loss or Deficiency, and the Charges occasioned by or on account of the same.

The Manner of recovering Deficiencies.

Money raised to be accounted for.

And be it further enacted by the Authority aforesaid, That all such Sum or Sums of Money as shall be assessed and collected in the said Parishes, Precincts, or Places, for the supplying, maintaining, and repairing, the Lights and Lamps aforesaid, shall be yearly in Writing accounted for and paid over by the said Collector

lector or Collectors thereof for the time being, to the said Receiver of the said Chamber, within Thirty Days after the Appointment of the new Collectors for the Year ensuing; and the said Receiver, to whom such Money shall be paid by such Collector or Collectors, shall yearly account in Writing for such Money, to Two or more Justices of the Peace of the said City, the Mayor for the time being to be One, within Fifty Days after the Appointment of a new Receiver for the said Chamber; and such Sum or Sums of Money as shall be remaining in his Hand, shall be by him paid over to the next succeeding Receiver for the said Chamber; and the Mayor for the time being and any One Justice of the Peace of the said City, or any Three Justices without the Mayor, shall and may, by virtue hereof, commit to Prison such Collector or Collectors, and Receiver, who shall refuse or neglect to account or pay the Money remaining in his Hands, in Manner herein before directed, there to remain without Bail or Mainprize, until he or they have made a true Account, and satisfied and paid so much as, upon the said Account, shall be remaining in his Hands.

Mayor and Justices may remove Signs which obstruct the Light of the Lamps;

And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the Mayor and Justices of the said City, by Order to be made at their General Quarter Sessions, to authorize and impower any Person or Persons to take down and remove any Sign or Signs, Sign-post, or Sign-iron, hung or to be hung, or fixed up, in any of the Streets, Lanes, or Passages, of the said City, or the Suburbs, Places, or Precincts thereof, that shall obstruct or obscure the Light of any of the Lamps to be erected in pursuance of this Act; and the Costs and Charges of taking down and removing such Sign or Signs, Sign-post, or Sign-iron, in case the same is, are, or shall be hung or fixed up at any Time before the erecting the Lamp or Lamps by virtue of this Act, of which the Light shall be thereby obstructed or obscured, as well as the erecting or setting up such Sign or Signs, Sign-iron, or Sign-post, so taken down as aforesaid, shall be defrayed by the said Receiver of the Chamber of the said City, out of the Money raised or to be raised in pursuance of this Act, for enlightning the Streets of the said City; but in case such Sign or Signs, Sign-post, or Sign-iron, shall be hung or fixed up at any Time after the erecting the Lamp or Lamps, the Light whereof shall be thereby obstructed or obscured, then and in case the Owner or Owners of such Sign or Signs, or the Occupier or Occupiers of any House or Houses to

which such Sign or Signs, Sign-post, or Sign-iron, shall be affixed, shall neglect to remove the same, for the Space of Fourteen Days next after Notice of such Order, the Charges of taking down and removing thereof shall be reimbursed to the Person or Persons so authorized to remove the same, by such Owner or Owners, or the Occupier or Occupiers, of any House or Houses, to which such Sign or Signs, Sign-post, or Sign-iron, shall be affixed; and in case such Owner or Owners, or the Occupier or Occupiers, of any House or Houses, to which such Sign or Signs, Sign-post, or Sign-iron, shall be affixed, so neglecting to remove such Sign or Signs, Sign-post, or Sign-iron, shall not, upon Demand made, pay and reimburse such Charges as aforesaid to such Person or Persons, so authorized to remove the same, it shall and may be lawful to and for the said Mayor and Justices, by Warrant under the Hands and Seals of any Two or more of them, to cause the said Charges to be levied by Distress and Sale of the Goods and Chattles of the said Owner or Owners, or the Occupier or Occupiers, of any House or Houses, to which such Sign or Signs, Sign-post, or Sign-iron, shall be affixed, so neglecting as aforesaid, returning the Overplus thereof, upon Demand, if any be, after deducting reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods or Chattles shall be so distrained and sold as aforesaid.

and punish Persons who shall wilfully break or damage them.

And whereas several evil disposed Persons may wilfully and maliciously break down and destroy the Lamps hung up in the Streets, Suburbs, Places, or Precincts, of the said City; Now, to prevent the same, be it enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and sixty one, take away, break, throw down, or extinguish any Lamp, that is or shall be hung out or set up to light the said Streets or Places, or wilfully damage the Posts, Irons, or other Furniture thereof, every Person or Persons, so offending therein, shall and may be forthwith apprehended and carried before the Mayor, or some Justice of the Peace, and being thereof convicted, by the Oath of One or more Witness or Witnesses, before the Mayor for the time being, or any Two or more Justices of the Peace for the City of Exeter, shall for the First Offence forfeit the Sum of Forty Shillings for each Lamp so taken away, broken, thrown down, extinguished, or otherwise damaged; and for the Second Offence the Sum of Fifty Shillings; and for the Third

and

and every other Offence the Sum of Three Pounds; to be levied and recovered by Distress and Sale, in such Manner as in this Act is herein after mentioned.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Mayor for the time being, or any Two or more Justices of the Peace for the said City of Exeter, to hear and determine any of the Offences which are made subject to, and punishable by, any pecuniary Penalties directed to be levied by this Act, and the Mayor and such Justices of the Peace are hereby authorized and required, upon any Information exhibited, or Complaint made in that Behalf, within Ten Days after such Offence committed, to summon the Party or Parties accused, and the Witnesses on either Side, and, upon the Appearance, or Contempt of the Party accused in not appearing, upon Proof of Notice given, to proceed to the Examination of the Witness or Witnesses, on Oath (which Oath they are hereby authorized, impowered, and required to administer) to give such Judgement, Sentence, or Determination, as shall be just and conformable to the Tenor and true Meaning of this Act; and where the Party accused shall be convicted of such Offence, either by the View of the said Mayor or Justices, or any of them, or upon such Information as aforesaid, or on Confession of the Party accused, it shall and may be lawful for the Mayor, or such Justices, to issue a Warrant or Warrants for the levying the pecuniary Forfeitures and Penalties, so adjudged upon the Goods and Chattels of the Offender, and to cause Sale to be made thereof, in case they shall not be redeemed in Five Days, rendering to the Party the Overplus (if any there be) and demanded after deducting thereout all reasonable Costs and Charges attending such Conviction and Distress and Sale aforesaid; and in case any Person or Persons shall be convicted, in pursuance of this Act, of taking away, breaking, throwing down, or extinguishing, any Lamp or Lamps, to be hung or set up as aforesaid, or of wilfully damaging the Posts, Irons, or other Furniture thereof, and no Goods or Chattles of the Person or Persons so offending can, at the Time of such Conviction, be found, then and in such Case it shall and may be lawful to and for the Mayor, or such Justices of the Peace before whom such Person or Persons shall be convicted as aforesaid, to commit such Offender or Offenders to the House of Correction, to be kept to hard Labour, for any Time not exceeding the Space of Two Calendar Months, or until such pecuniary Penalty or Penalties shall be paid.

Mayor and Justices to determine Offences punishable by pecuniary Penalties.

and may mitigate such Penalties.

Provided nevertheless, That it shall and may be lawful to and for the Mayor, or such Justices of the Peace, from time to time, where they shall see Cause, to mitigate, compound, or lessen, any of the said Forfeitures or Penalties, as he or they, in their Discretion, shall think fit, so as such Mitigation do not extend to remit above One Moiety or Half Part of the Penalty or Penalties inflicted and directed to be levied by this Act; and every such Mitigation shall be a sufficient Discharge to the Persons offending respectively, for so much of the Penalties and Forfeitures as shall be so lessened, mitigated, or remitted.

Application of Penalties.

And it is hereby further enacted by the Authority aforesaid, That all Penalties to be levied by virtue of this Act, shall be paid and applied in Manner following; that is to say, One Moiety to the Person or Persons who shall inform and prosecute for the same; and the other Moiety to the Receiver of the Chamber of the said City, to be by him accounted for and applied as Part of the Fund for providing and maintaining such Lights as aforesaid.

Persons accidentally damaging any of the Lamps to make Satisfaction.

And it is hereby further enacted, That in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise damage, any of the Lamps so hung out or set up, or to be hung out or set up as aforesaid, or the Irons, Posts, or other Furniture thereof, or extinguish the Lights thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in such Case it shall and may be lawful to and for the said Mayor, or any One or more of the Justices of the Peace for the said City of Exeter, upon Complaint thereof to him or them made, by any One or more credible Person or Persons, to summon before the said Mayor, or such Justice or Justices, the Person or Persons who shall be complained of for doing such Damage as aforesaid; and upon hearing the Allegations and Proofs of both Parties, or Non-appearance of the Person or Persons so complained of, to award such Sum or Sums of Money, by way of Satisfaction for such Damage, as the said Mayor, or such Justice or Justices, shall think reasonable; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, within Three Days after demanded, to cause the same, by Warrant under the Hand and Seal, or Hands and Seals, of such Mayor, Justice or Justices, to be levied by Distress and Sale of the Goods and Chattles of the Person or Persons who shall so have done such Damage, rendering to him, her, or them, the Overplus (if any shall be) after deducting the Costs and Charges of such Warrant, and of such Distress and Sale, when demanded;

manded; and in case no sufficient Distress can be found, the Mayor, or such Justice and Justices, shall and may, by like Warrant, commit the Person or Persons so neglecting or refusing to pay the Sum or Sums so to be awarded as aforesaid, to the Gaol of the said City, there to remain, until he, she, or they, shall make such Satisfaction as aforesaid, or for any Time not exceeding the Space of Ten Days.

Persons aggrieved may appeal to the Quarter-Sessions.

Provided always, That if any Person or Persons shall find him, her, or themselves aggrieved, or remain unsatisfied in the Judgement of the said Mayor or Justices, then such Person or Persons shall and may, by virtue of this Act, complain or appeal to the Justices of the Peace, at their next Quarter Sessions to be held for the said City of Exeter, who are hereby impowered to summon and examine Witnesses upon Oath, and finally to hear and determine the same; and in case of Conviction, to issue a Warrant or Warrants for levying and compelling, by such Means as aforesaid, the Payment of the said Penalties and Forfeitures.

Property of the Lamps vested in the Mayor.

And be it further enacted by the Authority aforesaid, That the Property of the said Lamps, and the Posts, Irons, and other Materials belonging thereto, shall be vested in the Mayor of the said City for the time being, who is hereby authorized and impowered to bring Actions, and prefer Bills of Indictment, against any Person or Persons stealing, taking away, breaking, throwing down, extinguishing, or spoiling the same.

Dean and Chapter not to pay the Rate, so long as they continue to light the Close.

And whereas the Dean and Chapter of the Cathedral Church of Saint Peter, within the said City of Exeter, do now, at their Expence, enlighten, with Ten Lamps, a District, commonly called The Close, of the said Cathedral; it is therefore hereby provided and declared, That if the said Dean and Chapter shall, at their own Costs and Charges, cause the said Close to be duly lighted with Lamps, not less in Number than Ten, from the said Twentieth Day of August, to the said Twentieth Day of April, in every Year, and shall duly maintain and supply such Lamps, that then, and so long as they continue to light the said Close as aforesaid, no Rate or Assessment shall be laid on the Dean and Canons (or Residentiary Prebendaries) of the said Cathedral Church, by virtue of the Powers hereby granted; any thing in this Act contained to the contrary in any wise notwithstanding.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Matter or Thing done in pursuance of this Act, that in every such Case

the Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the City of Exeter, and not elsewhere: And the Defendant or Defendants in such Action or Suit to be brought, shall and may plead the General Issue. General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon: And if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Actions, Suit or Suits; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.