ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LII.

An Act for paving, and otherwiſe improving, the Town of *Tiverton*, in the County of *Devon*.

[4th *April* 1794.]

Preamble.

WHEREAS the ſeveral Streets, Lanes, and other publick Paſſages and Places leading through and lying within the Town of *Tiverton*, in the County of *Devon*, are not properly paved and cleanſed, and are ſubject to various Nuiſances, Incroachments, Annoyances, and Obſtructions, and are alſo in ſome Parts thereof too narrow, and are very incommodious and unſafe for Paſſengers and Travellers: And whereas it would tend greatly to the Benefit, Convenience, and Safety of Travellers, and of all Perſons reſiding in and reſorting to the ſaid Town, if the ſaid Streets, Lanes, and publick Paſſages and Places, were properly paved, cleanſed, and widened where neceſſary, and all Nuiſances, Incroachments, Annoyances, and Obſtructions therein removed and prevented for the future; but the Purpoſes aforeſaid cannot be effected without the 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 Right Honourable *Dudly Ryder*, Sir *John Duntze*, Baronet, the Mayor, Recorder, Deputy Recorder, Capital Burgeſſes, Aſſiſtants, and Town Clerk of the Liberty, Town, and Pariſh of *Tiverton*, for the Time being, the Portreeve of the Town of *Tiverton* for the Time being, the Lord

Commiſſioners Names.

or Lords of the Manor of *Tiverton* for the Time being, the Rectors of the ſeveral Portions of *Pitt*, *Tidcombe*, and *Clare*, in *Tiverton*, for the Time being, the Curate or Miniſter of the Portion of *Priors*, in *Tiverton*, for the Time being, the Feoffees, Maſter, and Under Maſter, or Uſher, of *Blundell*'s School, in *Tiverton*, for the Time being, *Robert Anſtey*, Eſquire, *Henry Shortrudge Cruwys*, Clerk, LL. D. *Richard Down*, *Nicholas Dennys*, *Thomas Heathfield*, *Richard Lardner*, *Charles Leigh*, *Joſeph Nagle*, *James Langford Nibbs*, *Robert Pell*, *Thomas Winſloe*, *Thomas Winſloe* junior, and *John Worth*, Eſquires, and *Thomas Wood*, Clerk, ſhall be, and they and their Succeſſors, to be elected as herein-after mentioned, are hereby conſtituted and appointed Commiſſioners for putting this Act in Execution.

For electing New Truſtees.

II. And be it further enacted, That when and as often as any of the Commiſſioners herein-before named and appointed, or to be elected as herein-after mentioned, (except ſuch as are Commiſſioners by virtue of their Situation or Office), ſhall die or refuſe to act, the ſurviving or remaining Commiſſioners ſhall elect and appoint a Commiſſioner, being reſident within the ſaid Pariſh of *Tiverton*, or within Ten Miles of the ſame, and not otherwiſe, in the Room of every ſuch Commiſſioner ſo dying or refuſing to act; at which Election the ſaid Mayor, Burgeſſes, and Aſſiſtants, of the ſaid Town and Pariſh of *Tiverton*, and all others who are Commiſſioners by virtue of their Situation or Office, ſhall have no Power to vote, and no Vacancies of the ſaid Commiſſioners ſhall at any Time be filled up but at ſome General Meeting of the ſaid Commiſſioners; and every Perſon who ſhall be elected and appointed a Commiſſioner as aforeſaid, ſhall be joined with the ſurviving or remaining Commiſſioners, and be veſted with the ſame Powers and Authorities to act in the Execution of this Act, to all Intents and Purpoſes, as if ſuch Perſon had been particularly named and appointed a Commiſſioner in and by this Act.

Commiſſioners to take an Oath.

III. Provided always, and be it further enacted, That no Perſon ſhall be qualified to act as a Commiſſioner in the Execution of this Act, (except in adminiſtering the Oath herein-after mentioned in the firſt Inſtance, which Oath any Two of the ſaid Commiſſioners are hereby impowered to adminiſter), until ſuch Perſon ſhall have taken and ſubſcribed an Oath to the Effect following; (that is to ſay),

'I *A. B.* do ſwear, That I will truly and impartially, and without Favour or Affection to any Perſon or Perſons whomſoever, and according to the beſt of my Skill and Judgement, execute and perform all and every the Powers and Authorities given to and repoſed in me, in and by an Act of Parliament for, &c. [*Here ſet forth the Title of the Act.*]'

Penalty for acting not qualified.

And if any Perſon not elected to be a Commiſſioner as aforeſaid, or not having firſt taken ſuch Oath as aforeſaid, ſhall nevertheleſs preſume to act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform and ſue for the ſame, to be recovered in any of His Majeſty's Courts at *Weſtminſter*, by Action of Debt or on the Caſe, wherein no Eſſoin, Protection, or Wager at Law,

or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is duly elected, and hath taken ſuch Oath as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on Behalf of the Proſecutor, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

No Commiſſioner holding any Place of Profit to act as a Commiſſioner.

IV. Provided alſo, That no Perſon whomſoever ſhall be capable of acting as a Commiſſioner in any Caſe, during the Time he ſhall hold any Place of Profit under this Act, or be directly or indirectly engaged in any Contract, or have any Share, Intereſt, or Benefit, in any Contract or Agreement relating to the Execution of any of the Powers of this Act; but ſuch of the ſaid Commiſſioners who are or ſhall be Juſtices of the Peace for the Liberty of the Town and Pariſh of *Tiverton* aforeſaid, ſhall and may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners, except in Caſes where they are perſonally intereſted.

First Meeting of Commiſſioners.

V. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet at the *Guildhall* in the ſaid Town of *Tiverton*, upon the Fourteenth Day of *May* next after the paſſing of this Act, between the Hours of Ten of the Clock in the Forenoon, and Four of the Clock in the Afternoon, and proceed to the Execution of this Act, and may then, and from Time to Time afterwards, adjourn themſelves, and hold their future Meetings at the ſame, or at ſuch other Place within the ſaid Town as the ſaid Commiſſioners, or the major Part of them ſo aſſembled, ſhall think proper; and if at any of the ſaid Meetings, the Commiſſioners preſent ſhall omit or neglect to adjourn ſuch Meeting to another Day, or if there ſhall not appear a ſufficient Number of Commiſſioners to act and adjourn, then, and in every ſuch Caſe, every ſuch Meeting, or intended Meeting, ſhall be and is hereby adjourned to that Day Fortnight, and ſhall be holden at the Place where the former Meeting was to have been holden, and ſo from Time to Time until a ſufficient Number of the ſaid Commiſſioners ſhall meet and adjourn, and publick Notice of every ſuch Adjournment ſhall be given as herein-after directed, and the Commiſſioners, at all their Meetings, ſhall defray their own Expences; and it ſhall be lawful for any Five of the ſaid Commiſſioners to hold Meetings, and to do and perform all Acts, Matters, and Things, authorized and directed to be done and performed by the ſaid Commiſſioners by virtue of this Act, except in ſuch Caſes only where a greater Number of Commiſſioners are by this Act required to be preſent to do and perform any Matter or Thing.

Publick Notice of Meetings to be given.

VI. And be it further enacted, That in all Caſes where publick Notice is by this Act directed to be given, the ſame ſhall be printed or written, and affixed on the Door of the Pariſh Church in *Tiverton*, and on all the Gates at which the Tolls ſhall be collected by virtue of this Act, Ten Days at the leaſt previous to the Day of holding the Meeting, or doing or tranſacting the Buſineſs relative to which the Notice ſhall be given.

Annual Meeting for ſettling Accounts.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall meet on the *Monday* after *Candlemas Day* in every Year, at the Guildhall in the ſaid Town of *Tiverton*, or ſuch other Place or Places in the ſaid Town as they

ſhall think proper, which ſhall be called a General Meeting of the ſaid Commiſſioners; and at all ſuch General Meetings the Accounts of all Monies received and paid from Time to Time, by virtue and in Execution of this Act, by any Perſon or Perſons whomſoever, ſhall be produced, ſtated, examined, ſettled, and verified, on the Oath of the Perſon accounting for the ſame, which Oath any One of the ſaid Commiſſioners is hereby authorized and impowered to adminiſter.

A Chairman to be appointed who ſhall have the caſting Vote.

VIII. And be it further enacted, That at every Meeting of the ſaid Commiſſioners, the Majority of Commiſſioners then preſent ſhall, by Ballot or otherwiſe, elect a Chairman, and all Queſtions propoſed at every ſuch Meeting ſhall be determined by a Majority of the Commiſſioners then preſent; and in caſe of an equal Number of Voices upon any Queſtion, including the Voice of the Chairman, ſuch Chairman ſhall have the caſting Voice, and that all Orders, Reſolutions, Determinations, and Proceedings, of the ſaid Commiſſioners, ſhall be made and ſigned by the ſaid Commiſſioners, or by their Clerk by their Order, and that no Order or Reſolution of the ſaid Commiſſioners, made and ſigned as aforeſaid, ſhall afterwards be altered or repealed at any ſubſequent Meeting, unleſs the Number of Commiſſioners voting for ſuch Alteration or Repeal, ſhall be greater than the Number of Commiſſioners who concurred in ſuch Orders, Reſolutions, Determinations, or Proceedings.

Commiſſioners to appoint Officers.

IX. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall from Time to Time appoint a Clerk, Treaſurer, and Surveyor, and alſo Collectors of the Rates and Tolls by this Act authorized to be made and collected, and alſo ſuch other Officers and Perſons as they ſhall think neceſſary to employ in the Execution of this Act, and ſhall from Time to Time take ſuch Security from every ſuch Treaſurer and Collector, for the due Execution of their reſpective Offices, and for the Payment of the Money received by them, and for the delivering up all Books, Deeds, Papers, and other Things, which ſhall come into their Hands, as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners, or any Seven or more of them, may remove and diſplace any ſuch Officers and Perſons, from Time to Time, Ten Days publick Notice of the Time and Place of Meeting for every ſuch Appointment or Removal being given as herein-before mentioned; and the ſaid Commiſſioners may, out of the Monies which ſhall ariſe by virtue of this Act, allow and pay to every ſuch Clerk, Surveyor, Collector, and other Officer and Perſon to be employed as aforeſaid, ſuch Salary and Allowance for his Attendance, Care, and Service, as to the ſaid Commiſſioners ſhall ſeem reaſonable.

Officers to account.

X. And be it further enacted, That every ſuch Treaſurer, Collector, or other Perſon who ſhall have received any of the Monies to be raiſed, collected, or received, for the Purpoſes or by virtue of this Act, ſhall from Time to Time, and as often as thereto required by the ſaid Commiſſioners, render and give to the ſaid Commiſſioners full, true, and fair Accounts in Writing of all the Monies which ſhall have been by him had, collected, or received, and how, to whom, and for what Purpoſe ſuch Monies and every Part thereof ſhall have been paid, together with the proper Receipts and Vouchers for ſuch Payments, and ſhall pay all ſuch Monies, as upon the Balance of ſuch Accounts ſhall appear to be

in his Hands, to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon and at ſuch Time as the ſaid Commiſſioners, or any Five or more of them, ſhall direct or appoint; and every ſuch Officer and Perſon ſo accounting ſhall upon Oath (which Oath any One of the ſaid Commiſſioners is hereby authorized to adminiſter) verify his ſaid Accounts, and the particular Items and Articles thereof, and the ſeveral Receipts and Payments which ſhall be therein contained; and if any ſuch Officer or Perſon ſhall refuſe, or wilfully neglect to render or give up ſuch Accounts as aforeſaid, or to produce or deliver up to the ſaid Commiſſioners the Receipts and Vouchers relating to the ſame, or to verify the Items or Articles thereof upon Oath, or ſhall refuſe or neglect to pay all ſuch Money, as upon the Balance of any ſuch Account ſhall appear to be in his Hands, to ſuch Perſon as the ſaid Commiſſioners, or any Five or more of them, ſhall direct or appoint, then and in any of the Caſes aforeſaid, the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and impowered to cauſe to be brought an Action, in the Name of their Clerk, againſt the Officer or Perſon who ſhall neglect or refuſe as aforeſaid; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Five or more of them, or by any Perſon or Perſons on their Behalf, of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice of the Peace for the ſaid Liberty of the Town and Pariſh of *Tiverton* aforeſaid, ſuch Juſtice may and is hereby impowered to ſummon the Officer, or Perſon ſo refuſing or neglecting to appear before him at a Time and Place in ſuch Summons to be mentioned, and upon his appearing or not appearing (the Service of ſuch Summons being proved by the Oath of any credible Witneſs, which Oath ſuch Juſtice is hereby impowered to adminiſter) to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account if produced, in ſuch Manner as the ſaid Commiſſioners might have done; and if, upon the Confeſſion of the Officer or Perſon againſt whom ſuch Complaint ſhall be made, or by the Oath of any credible Witneſs, (which Oath ſuch Juſtice is hereby impowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received by virtue or for the Purpoſes of this Act, ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice is hereby authorized upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon; and if ſufficient Goods and Chattels of ſuch Officer or Perſon cannot be found to anſwer and ſatisfy the ſaid Money, and the Charges of levying and raiſing the ſame, or if ſuch Officer or Perſon ſhall not appear before the ſaid Juſtice at the Time and Place by him, appointed in ſuch Summons, or if appearing ſhall refuſe or neglect to deliver to the ſaid Juſtice ſuch Account of the Receipts and Payments as aforeſaid, or to produce or deliver up to the ſaid Juſtice the ſeveral Receipts and Vouchers relating to ſuch Account, and to verify the ſame, and the Items and Articles thereof upon Oath as aforeſaid, then and in any of the Caſes aforeſaid, the ſaid Juſtice is hereby authorized, by Warrant under his Hand and Seal, to cauſe ſuch Officer or Perſon to be committed to the Common Gaol of and for the ſaid Liberty, there to remain without Bail or Mainprize until he ſhall have delivered and ſettled his Account, and verified the Items and Articles thereof upon Oath, and ſhall have produced and delivered up the Receipts and Vouchers relating to ſuch Accounts reſpectively, and ſhall have paid all Monies which ſhall

appear

appear to be in his Hands, and the reaſonable Charges attending the Recovery thereof, or ſhall have compounded with the ſaid Commiſſioners for the ſame, which Compoſition and Monies the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and impowered to make and receive; but no Perſon or Perſons who ſhall be ſo committed on Account of his not having ſufficient Goods or Chattels, ſhall be detained in Priſon for any longer Term than Three Calendar Months.

Power to purchaſe and take down Houſes, &c.

XI. And, in order to render the Paſſage through the ſaid Town ſafe and convenient; be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they ſhall think fit, to purchaſe all and every or any of the Meſſuages, Buildings, Lands, and Hereditaments, mentioned and deſcribed in the Schedule hereunto annexed, and to become ſeiſed and poſſeſſed thereof, and of the Fee Simple and Inheritance thereof: And,

Perſons intereſted in Lands impowered to ſell.

to that End it ſhall be lawful for all Perſons, Bodies Politick and Corporate, Corporations Aggregate or Sole, who are or ſhall be ſeiſed or poſſeſſed of, or entitled in their own Right, Truſtees, Feoffees in Truſt, Femes Covert, Guardians, Committees, Executors, and Adminiſtrators, not only in Behalf of themſelves, their Heirs and Succeſſors, but alſo for and in Behalf of their Ceſtuique Truſts, whether Infants, or Iſſue unborn, Lunaticks, Idiots, Femes Covert, and alſo for all other Perſons whomſoever who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in, all or any of the ſaid Meſſuages, Buildings, Lands, or Hereditaments, mentioned and deſcribed in the ſaid Schedule, either in Poſſeſſion or Reverſion, to contract for, ſell, convey, or ſurrender to, the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint in Truſt, to be made uſe of for the Purpoſes of this Act, all or any ſuch Meſſuages, Buildings, Lands, and Hereditaments, and every or any Part thereof, and their reſpective Eſtates and Intereſts therein; and that all ſuch Contracts, Agreements, Bargains, Sales, Surrenders, and Conveyances, which ſhall be ſo made as aforeſaid, ſhall be good and valid in the Law, to all Intents and Purpoſes, to convey the Right, Eſtate, and Intereſt of all Perſons whomſoever in the Premiſes, any Law to the contrary notwithſtanding: Provided always,

Upon Refuſal to treat, Damages to be ſettled by a Jury at the Quarter Seſſions for the County.

That if any Bodies Politick or Corporate, or other Perſon or Perſons who are hereby enabled to ſell and convey the ſaid Premiſes, ſhall refuſe to treat or agree with the ſaid Commiſſioners, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, then, and in ſuch Caſe, upon Ten Days Notice at the leaſt in Writing by the Clerk to the ſaid Commiſſioners, previous to any General Quarter Seſſions of the Peace to be holden for the County of *Devon*, or any Adjournment thereof, given to ſuch Perſon or Perſons, or to the Principal Officer of any ſuch Bodies Politick or Corporate, or left at the Houſe of the Tenant in Poſſeſſion of the Premiſes ſo intended to be purchaſed, or where there is no Tenant in Poſſeſſion, or Occupier, then upon ſuch Notice being affixed to or put on ſome Part of the reſpective Premiſes, denoting that Application would be made at ſuch Seſſions for the Value of the Premiſes, to be adjuſted and ſettled by a Jury at the ſaid Seſſions, or Adjournment thereof, the Juſtices at ſuch Seſſions or Adjournment, upon Proof of ſuch Notice having been ſo given or left, or affixed or put up as aforeſaid, are hereby authorized and required to charge a Jury, and to cauſe them to be ſworn well and truly to enquire into and aſcertain the Value of the

Premiſes aforeſaid, to which ſaid Jury any of the Parties intereſted ſhall have their lawful Challenges when they come to be ſworn; and any Juſtice of the Peace for the ſaid County is hereby authorized and impowered, upon Application to him by any of the Parties intereſted, by Warrant under his Hand and Seal, to call before the Juſtices at ſuch Seſſions, any Perſon or Perſons who ſhall be thought proper to be examined concerning the Premiſes, and the ſaid Jury upon their Oaths, ſhall inquire touching the Value of ſuch Premiſes, and ſhall aſcertain the Recompence to be made for the ſame, and the ſaid Juſtices ſhall and may give Judgement for the Money ſo to be aſcertained, which Verdict of the ſaid Jury, and the Judgement thereupon, ſhall be binding and concluſive, to all Intents and Purpoſes, upon all Parties intereſted, and ſhall be fairly entered and kept amongſt, and ſhall be deemed Part of the Records of the Quarter Seſſions for the ſaid County.

On Payment of Purchaſe Money, Premiſes to be conveyed.

XII. And be it further enacted, That upon Payment of the reſpective Sums of Money to be agreed upon or aſſeſſed by any ſuch Jury, as the Value or Recompence to be paid for any ſuch Meſſuages, Buildings, Lands, or Hereditaments as aforeſaid, to or for the Uſe of the reſpective Perſons, or Bodies Politick or Corporate, entitled to ſuch Money, ſuch Perſons, or Bodies Politick or Corporate, ſhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Aſſignments, and Aſſurances in the Law to ſuch Perſons, and their Heirs, as the ſaid Commiſſioners ſhall nominate and appoint, (in Truſt to be made uſe of for the Purpoſes of this Act), of ſuch Meſſuages, Buildings, Lands, or Hereditaments, or of ſuch Eſtate or Intereſt for which ſuch Money ſhall be ſo paid; and if any ſuch Perſons, or Bodies Politick or Corporate, intereſted as aforeſaid, ſhall not be able to evince their Title to the Premiſes, or to make, or procure to be made, ſuch Conveyances, Aſſignments, or Aſſurances thereof as aforeſaid, or ſhall refuſe or neglect ſo to do, being thereunto required, and ſuch Money as aforeſaid being produced and tendered to be paid to ſuch Perſons reſpectively, or to ſome Officer of any ſuch Bodies Politick or Corporate as aforeſaid, upon their making ſuch Title, and executing or procuring to be executed ſuch Conveyances, Aſſignments, and Aſſurances as aforeſaid, or if any Perſon entitled to any ſuch Money cannot be found, or if it ſhall not appear to the ſaid Commiſſioners who are the proper Parties or Perſons entitled to ſuch Money, then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Commiſſioners to order the Money ſo aſſeſſed as aforeſaid, as the Value or Purchaſe Money for ſuch Houſes, or other Buildings, Lands, or Hereditaments, to be paid into the Hands of the Treaſurer to the ſaid Commiſſioners, for the Uſe of the Perſons reſpectively entitled thereto, to be upon Demand paid to them according to their reſpective Eſtates and Intereſts in the ſaid Premiſes, and the Perſon or Perſons who ſhall receive ſuch Money, is and are hereby required to give a Receipt for the ſame, mentioning and ſpecifying for what Premiſes, and for whoſe Uſe the ſame is received, to ſuch Perſon as ſhall pay ſuch Money to him or them as aforeſaid, and every ſuch Receipt ſhall be tranſmitted to and regiſtered, and kept by the Clerk of the Peace amongſt, and ſhall be deemed Part of the Records of the Quarter Seſſions for the ſaid County, and immediately on ſuch Payment and Regiſtry, all the Eſtate, Right, Intereſt, Claim, and Demand, in Law and Equity, of the Perſons, Bodies

Politick or Corporate, reſpectively, for whoſe Uſe ſuch Money ſhall have been paid, ſhall veſt in ſuch Perſons and their Heirs, as the ſaid Commiſſioners ſhall, by Writing under their Hands and Seals, direct and appoint for the Purpoſes of this Act, and they ſhall be deemed in Law to be in the actual Poſſeſſion and Seiſin thereof, to all Intents and Purpoſes, as fully and effectually as if all Perſons having any Eſtate in the ſaid Premiſes had actually conveyed the ſame by any legal Conveyance whatſoever; and all and every Sum and Sums of Money to be paid to any Bodies Politick or Corporate, Feoffees in Truſt, Guardian, Committee, or other Truſtee or Truſtees, or any other incapacitated Perſon or Perſons as aforeſaid, in purſuance of this Act, ſhall, in caſe the ſame ſhall exceed the Sum of Twenty Pounds, be by them reſpectively laid out in the Purchaſe of Lands, Tenements, or Hereditaments, to be ſettled to and upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the ſaid Premiſes ſo to be purchaſed by the ſaid Commiſſioners as aforeſaid were ſettled, limited, and aſſured, or liable to at the Time of ſuch Sale, and ſhall and may be held and enjoyed accordingly; and in the mean Time, and until ſuch Purchaſe can be made, ſuch Money ſhall be placed in the Publick Funds in the Name of ſuch Bodies Politick or Corporate, Truſtee, Guardian, or Committee, or other Perſon or Perſons as aforeſaid, the Intereſt and Dividends whereof ſhall go to the like Uſes, and be ſubject to the like Contingencies, as the Premiſes ſo to be purchaſed with ſuch Money would go or be ſubject to, in caſe they were actually purchaſed and ſettled.

For taking down and removing the Pound.

XIII. And be it further enacted, That it ſhall be lawful alſo for the ſaid Commiſſioners to purchaſe and take down the Common Pound of the Hundred and Manor of *Tiverton* aforeſaid, at the lower End of *Gold Street* within the ſaid Town, and to lay the Ground or Scite thereof into the publick Street or Highway adjoining thereto, and alſo to erect another ſuch Pound on the Waſte of the Lords of the ſaid Manor in *Lowman Green*, near the Eaſt End of the *Foot Bridge* over the River *Lowman*, which ſaid Pound ſo to be erected, ſhall thereafter be deemed and taken to be the Common Pound of the ſaid Hundred and Manor of *Tiverton*.

Commiſſioners to take down Houſes and lay the Scites into the Streets,

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, to cauſe all and every the Houſes and other Buildings, which ſhall at any Time be purchaſed for the Purpoſes of this Act, to be taken down, and to cauſe ſo much of the Scites thereof, and alſo all or any Part of any other Lands or Hereditaments to be purchaſed for the Purpoſes of this Act, to be added to or laid into the Streets or other publick Paſſages or Places in the ſaid Town, and to cauſe the ſame to be paved, pitched, and made paſſable; and the Land ſo added to or laid into the ſaid reſpective Streets, or other publick Paſſages or Places aforeſaid, ſhall for ever afterwards be deemed Part thereof, and be uſed as common publick Highways.

Commiſſioners may ſell Land not wanted for the Purpoſes of the Act.

XV. Provided always, That if for the Purpoſes of this Act it ſhall be neceſſary to take a Part only of the Ground whereon any Houſe or other Building ſtands, it ſhall be lawful for the ſaid Commiſſioners, in Manner before-mentioned, to contract and agree for the Purchaſe of, and for ſuch Perſons

Perſons as they ſhall appoint for that Purpoſe to become poſſeſſed of the Whole of ſuch Houſe or other Building, and the Ground whereon the ſame ſtands as aforeſaid; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to ſell, and, by Writing under the Hands and Seals of any Five or more of them, to convey any ſuch Ground as may have been purchaſed or taken by virtue of this Act, and which they may deem not neceſſary to be uſed for the Purpoſes aforeſaid, and ſuch Sale and Conveyance ſhall be valid and effectual.

Tenants at Rack Rent, and Occupiers of any Premiſes purchaſed by the Commiſſioners, to give up Poſſeſſion thereof.

XVI. And be it further enacted, That in caſe the ſaid Commiſſioners, or any Perſon authorized by them, ſhall, after any Meſſuages, Buildings, Lands, or Hereditaments, ſhall be purchaſed in purſuance of this Act, give Six Calendar Months Notice in Writing to all or any of the Tenants or Occupiers of ſuch Meſſuages, Buildings, Lands, or Hereditaments, to give or deliver up the Poſſeſſion thereof, then every ſuch Tenant or Occupier ſhall, at the End of ſuch Six Calendar Months, peaceably and quietly deliver and yield up the Poſſeſſion of the ſaid Premiſes ſo by him, her, or them, reſpectively held or occupied, whether upon Demiſe, Leaſe, or otherwiſe, to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as ſhall be appointed by them to take Poſſeſſion thereof; and all Leaſes, Demiſes, or Agreements, for renting or holding the ſame at Rack Rent or otherwiſe thentofore made, ſhall, from the End of the ſaid Six Calendar Months, be abſolutely void and of none Effect as againſt the ſaid Commiſſioners, or any of them; and if any Perſon or Perſons, ſo in Poſſeſſion, ſhall refuſe to give up ſuch Poſſeſſion at the Expiration of ſuch Six Calendar Months after ſuch Notice, it ſhall and may be lawful for the ſaid Commiſſioners to iſſue their Precept or Precepts to the Conſtables of the ſaid Town and Pariſh of *Tiverton* for the Time being, or to any or either of them, to cauſe Poſſeſſion thereof to be delivered to ſuch Perſon or Perſons who ſhall be in ſuch Precept or Precepts nominated to receive the ſame, and the ſaid Conſtable and Conſtables is and are hereby reſpectively required to deliver Poſſeſſion, according to ſuch Precept or Precepts, of the Premiſes therein mentioned, and to levy ſuch Coſts as ſhall accrue by Means of the iſſuing and executing of every ſuch Precept or Precepts, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons, who ſhall have refuſed to give up ſuch Poſſeſſion as aforeſaid, and ſhall refuſe or neglect to pay ſuch Coſts.

Commiſſioners to pave the Streets, &c.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, to cauſe the Carriage Ways and Footways of the ſeveral Streets, Lanes, Paſſages, and Places, within the ſaid Town and Borough of *Tiverton*, to be paved or otherwiſe repaired, altered, improved, and cleanſed, and the Ground thereof to be raiſed, lowered, and altered, in ſuch Manner as they ſhall think neceſſary and proper, and any new Gutters, Sinks, Drains, Sewers, and Watercourſes, to be cut or made in, through, or under, any of the ſaid Streets, Lanes, Paſſages, and Places, and alſo to cauſe any of the preſent Gutters, Sinks, Drains, Sewers, and Watercourſes, already made therein, to be opened or widened, altered, turned, varied, or changed, in ſuch Manner as they ſhall think fit; and that it ſhall not be lawful for any Perſon at any Time hereafter to break up any Part of the ſaid Pavement, or cauſe any Alteration to be made in the Form thereof, without the Conſent of the ſaid Commiſſioners under their Hands firſt had and obtained,

Penalty of breaking up Pavement without Conſent of Commiſſioners.

upon

upon Pain of forfeiting for every ſuch Offence the Sum of Forty Shillings.

Streets to be firſt repaired.

XVIII. Provided always, That the following Streets, publick Paſſages, and Places, within the ſaid Town, *(videlicet)*, *Gold Street*, *Fore Street*, *Angel Hill*, and *Weſtex*, from a certain Place called *Lowman Green*, to the Eaſt End of *Broad Lane* in *Weſtex*, and from the *Swan Inn* in *Weſtex* aforeſaid, to the *Barnſtable Inn*, ſhall be in the Firſt Place paved, repaired, altered, and improved, by the ſaid Commiſſioners by virtue of this Act, and in the next Place the Street called *Bampton Street*, from the *Three Tuns Inn* to the *Bampton Inn* within the ſaid Town; and after the ſame ſhall have been ſo paved, repaired, and altered, the ſaid Commiſſioners ſhall and may cauſe all the other Streets, Lanes, publick Paſſages, and Places, within the ſaid Town and Borough, to be paved, repaired, altered, and improved, in ſuch Manner as they ſhall think proper.

Surveyors may dig and take Materials in any Waſte, &c.

XIX. And be it further enacted, That it ſhall be lawful for ſuch Perſon or Perſons as the ſaid Commiſſioners, or their Surveyor or Surveyors, ſhall appoint, to dig, take, and carry away, any Gravel, Stones, Sand, and other Materials proper or convenient for the Purpoſes of this Act, out of any Waſte or Common, River or Brook, in the ſaid Pariſh of *Tiverton*, or in any neighbouring Pariſh or Place, without making any Recompence for the ſame, the ſaid Surveyor and Surveyors filling up, fencing, or levelling, all ſuch Pits and Holes as ſhall be occaſioned by the digging for or taking away ſuch Materials, and making ſuch Allowance and Satisfaction to the Perſon or Perſons through whoſe Land or private Ways ſuch Materials ſhall be led and carried, for the Damage done and occaſioned thereby, as the ſaid Commiſſioners ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot be gotten in ſuch Waſtes, Commons, Rivers, and Brooks as aforeſaid, it ſhall be lawful for ſuch Surveyor and Surveyors, or other Perſon or Perſons, by Order of the ſaid Commiſſioners, to dig for and take away the like Materials out of the private Grounds of any Perſon or Perſons, (not being a Garden, Yard, Paddock, Park, planted Walk, or Avenue to any Houſe, or incloſed Ground planted, ſet apart, or uſed as a Plantation or Nurſery for Trees), where ſuch Materials are and may be found, and from Time to Time to carry away ſuch and ſo many of the ſaid Materials reſpectively, as the ſaid Surveyor and Surveyors ſhall adjudge neceſſary for the Purpoſes of this Act, paying ſuch Recompence for the Damage done to the Owners and Occupiers of the reſpective Grounds, where, through, and from whence the ſame ſhall be digged and carried away, as the ſaid Commiſſioners ſhall judge reaſonable; and in caſe of any Difference between ſuch Owners and Occupiers, or any of them, and the ſaid Commiſſioners, touching the Damage aforeſaid, the Juſtices of the Peace for the ſaid County of *Devon*, at their General Quarter Seſſion to be holden in and for the ſame County next after ſuch Difference ſhall ariſe, on Ten Days Notice thereof being given in Writing, by either Party to the other, ſhall hear, ſettle, and determine, the Matter of ſuch Payment and Damages, and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

out of private Grounds.

Differences ſettled at Seſſions.

Surveyors not to carry away Materials out

XX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any ſuch Surveyors, or any other Perſon or Perſons,

under the Authority of this Act to take and carry away Materials for the Purpoſes of this Act, from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Commiſſioners, or Two Juſtices of the Peace acting for the County where ſuch Lands are ſituated, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds, and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Commiſſioners or ſuch Juſtices ſhall, if they think meet, authorize ſuch Surveyor or other Perſon to dig, gather, take, and carry away, ſuch Materials, at ſuch Time or Times as to ſuch Commiſſioners or to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, the ſaid Commiſſioners or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

of private Grounds, without giving Notice to the Occupier.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall and are hereby authorized and impowered, from Time to Time, to contract with any Perſon or Perſons for doing or performing all or any of the Works by this Act directed to be done or performed, in ſuch Manner and under ſuch Penalties, for the due Performance of ſuch Contracts, as the ſaid Commiſſioners ſhall think fit, giving Fourteen Days publick Notice, in the Manner herein-before mentioned, of their Intention to enter into every ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame, may make Propoſals to the ſaid Commiſſioners, at the Time and Place to be mentioned in ſuch Notice, and every ſuch Contract ſhall be good, valid, and binding, as well upon the ſaid Commiſſioners, as upon the other Parties thereto; and in caſe of Breach thereof, Actions may be brought and maintained, and Damages and Coſts recovered thereon, againſt the Party or Parties not performing the ſame, or ſpecific Performance thereof may be decreed, as in any Caſe of Contracts or Agreements between any other Perſons.

Commiſſioners to contract with Perſons for paving, &c.

XXII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully injure any Turnpike or Toll Houſe which ſhall be erected by virtue of this Act, or wilfully break, throw down, or damage, any of the Works hereby intended to be performed, or ſhall obſtruct, hinder, or moleſt, any Surveyor, Workman, or other Perſon, employed by virtue of this Act, in the Execution of his Duty, every ſuch Perſon ſo offending, ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

Penalty on Perſons damaging or deſtroying the Works.

XXIII. And, in order to enable the ſaid Commiſſioners to carry the ſeveral Purpoſes of this Act into Execution; be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority, Once in every Year, to raiſe ſuch Sum and Sums of Money as they ſhall think neceſſary for the Purpoſes of this Act, by a Rate or Aſſeſſment upon all Houſes and Buildings, with their reſpective Appurtenances, now erected and built, or hereafter to be erected and built, within the Diſtance of Half a Mile from a certain Place called *Coggan's Well*, in the *Fore Street* in the Town of *Tiverton* aforeſaid, which Rates and Aſſeſſments ſhall be from Time to Time charged upon, and paid and payable, by the reſpec-

Rate to be laid upon Houſes, &c.

tive Tenants and Occupiers for the Time being of ſuch Premiſes, but to be allowed to ſuch Tenants and Occupiers again as herein-after mentioned; and ſuch Rates and Aſſeſſments ſhall not exceed in the Whole, in any One Year, the Sum of Sixpence in the Pound, according to the annual Value at which ſuch Houſes and Buildings, with their Appurtenances, are or ſhall, from Time to Time, be rated and aſſeſſed to the Land Tax, for and within the ſaid Town; and the Firſt Year for which ſuch Rate ſhall be made, ſhall commence upon the Firſt Quarter Day after paſſing this Act, and the Monies to be raiſed and aſſeſſed as aforeſaid, ſhall, from Time to Time, be paid by equal Half-yearly Payments to the Collector or Collectors of the Rates to be appointed as aforeſaid, and the Money ſo collected ſhall be paid over by ſuch Collector or Collectors, into the Hands of ſuch Perſon or Perſons, and at ſuch Times as the ſaid Commiſſioners ſhall appoint; and in caſe any Perſon or Perſons ſo rated or aſſeſſed as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rates to the ſaid Collector or Collectors, for the Space of Ten Days after perſonal Demand made, or Demand in Writing, under the Hand of any ſuch Collector or Collectors, left at the Dwelling Houſe or laſt Place of Abode of ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, then, upon due Proof upon the Oath of any credible Witneſs, before any Two Juſtices of the Peace for the Liberty of the Town and Pariſh of *Tiverton* aforeſaid, of any ſuch Demand and Non-payment, ſuch Juſtices ſhall and are hereby authorized and required, by Warrant under their Hands and Seals, to authorize and direct any ſuch Collector or Collectors to levy ſuch Rates or Monies by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels on Demand, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Rates to be levied by Diſtreſs.

Occupiers who are Tenants at Rack Rent to be allowed ſuch Rates again in their Rent.

XXIV. Provided always, That all ſuch Tenants or Occupiers of the ſaid Houſes or other Buildings, with the Appurtenances, as are or ſhall be Tenants at Rack Rent, and who ſhall have paid any ſuch Rate or Aſſeſſment which ſhall be ſo made or laid as aforeſaid, are hereby authorized and impowered to deduct the ſame out of the then or the next Rent, payable by them, for or in reſpect of ſuch Houſes or other Buildings, with their Appurtenances reſpectively, and their reſpective Landlords are hereby required to allow ſuch Deductions accordingly, upon the Receipt of the Remainder of their Rent; but no ſuch Deductions ſhall be made, nor ſhall any Landlord be obliged to allow the ſame, contrary to any Leaſe or Agreement now exiſting, or hereafter to exiſt, between Landlord and Tenant.

Act not to alter any Agreement between Landlord and Tenant.

Commiſſioners may erect Turnpikes and take Tolls.

XXV. And, in order to raiſe a further Sum of Money for the Purpoſes of this Act, in Addition to the ſaid Rate herein-before mentioned; be it further enacted, That the ſaid Commiſſioners ſhall, and are hereby authorized and impowered to cauſe to be erected and ſet up ſuch Number of Turnpikes and Toll Houſes upon or acroſs any Part of any of the Turnpike Roads and Entrances, or Avenues leading into the ſaid Town, within the Diſtance of One Mile from the ſaid Well called *Coggan's Well*, in the *Fore Street* in the ſaid Town of *Tiverton*, as the ſaid Commiſſioners ſhall think fit, and the Tolls following ſhall be demanded, taken, and paid, at every ſuch Turnpike, or at any Turnpike already

already erected, or to be erected within the ſaid Diſtance from the ſaid Well, before any Horſes, Cattle, or Carriages, ſhall be permitted to paſs through any of the ſaid Turnpikes; (that is to ſay),

Tolls.

For every Coach, Chariot Landau, Berlin, Chaiſe, Chaiſe Marine, Car, Calaſh, Chair, Caravan, Hearſe, Litter, Curricle, or other ſuch Carriage, drawn by Six or more Horſes, or other Beaſts of Draught, the Sum of Sixpence; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of Four-pence Halfpenny; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Three-pence; and drawn by One Horſe, or other Beaſt of Draught, the Sum of One Penny Halfpenny:

For every Waggon, Wain, Cart, Dray, or other ſuch Carriage, drawn by Five or more Horſes, or other Beaſts of Draught, the Sum of Six-pence; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of Four-pence Halfpenny; and drawn by Three or Two Horſes, or other Beaſts of Draught, the Sum of Three-pence; and drawn by One Horſe, or other Beaſt of Draught, the Sum of One Penny Halfpenny:

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burden, laden or unladen, and not drawing, the Sum of One Halfpenny:

For every Drove of Oxen, Cows, or neat Cattle, the Sum of Five-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two-pence Halfpenny *per* Score, and ſo in Proportion for any greater or leſs Number; and if but One, then the Sum of One Farthing.

Power of Diſtreſs for Non-payment of Tolls.

And that it ſhall and may be lawful for ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint Collectors of the ſaid Tolls, to demand and take the Tolls hereby granted and made payable, and if any Perſon or Perſons, ſubject or liable to the Payment of any of the ſaid Tolls, ſhall, after Demand made thereof, neglect or refuſe to pay the ſame, it ſhall be lawful for the reſpective Collectors to ſeize any Horſe or other Beaſt, or any Carriage upon which any Toll is by this Act impoſed, or any of the Goods and Chattels of the Owner of ſuch Horſe, Beaſt, or Carriage, and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure, and of keeping and detaining the ſame, ſhall not be paid within the Space of Four Days next after ſuch Seizure made, the Perſon or Perſons ſo ſeizing ſhall and may ſell the Horſe, Cattle, Carriage, Goods, or Chattels, ſo ſeized, returning the Overplus (if any) upon Demand to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch ſeizing, detaining, and ſelling the ſame, ſhall be deducted.

Tolls payable but Once a Day.

XXVI. And be it further enacted, That whenever any Perſon ſhall pay the reſpective Tolls by this Act granted and made payable for the paſſing of any Horſe, Beaſt, Cattle, or Carriage, at any One of the ſaid Turnpikes, every ſuch Perſon ſhall be permitted to return and repaſs with the ſame Horſe, Beaſt, Cattle, or Carriage, at any Time or Times, as often as he ſhall think proper during the ſame Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), Toll-free through the ſame, and through all or any other of the ſaid Turnpikes.

Exemptions from Tolls.

XXVII. Provided always, and be it further enacted, That this Act, or any Thing herein contained, ſhall not extend to charge any of the Coaches, Chariots, or other Carriages of His Majeſty, or his Succeſſors, or of any of the Royal Family, or of any Horſes, Coaches, or other Carriages attending on them; and that no Perſon or Perſons ſhall be charged with, or compellable to pay, any of the Tolls or Duties made payable by this Act for any Waggon, Wain, Cart, Dray, or other Carriage, or for any Horſe or other Beaſt drawing or not drawing the ſame, which ſhall be uſed or employed in the Carriage of any Stones, Gravel, or other Materials, for the repairing of any Road or Highway, or in the Carriage of any Lime or Culm for burning Lime, Dung, Mould, Soil, or Compoſt of any Kind, for the manuring of any Garden, or other Land or Ground, and to be actually uſed in manuring thereof, or that ſhall be uſed or employed in the plowing, ſowing, tilling, or cultivating, any Land or Ground, or in the Carriage of any Wheat, Barley, Meal, Flour, Potatoes, or any Wood for Fuel, to or from the ſaid Town of *Tiverton*, or in the Carriage of any Hay, Straw, Corn in the Straw, or Wood, not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Gardens, Yards, or Backſides, of the Owner or Owners thereof, or for any Plough, Harrow, Dray, or other Implement of Huſbandry, or for any Horſe, or other Beaſt, drawing or carrying the ſame, in order for the repairing thereof, or uſing the ſame in Huſbandry, or any Thing whatſoever that ſhall be uſed or employed in Huſbandry, or manuring of Land, or for any Horſe, or other Beaſt or Cattle, going only to or returning from Water or Paſture within Two Miles of the Gates or Turnpikes through which they ſhall paſs, or in order to be ſhoed; nor for any Horſes, Cattle, or Carriage, of whatſoever Deſcription, employed, or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding, ſuch Mails and Expreſſes, or in returning back from conveying or guarding the ſame, or for the Horſes of Soldiers upon their March, or for any Waggon or other Carriage, or Horſe, or other Beaſt drawing or not drawing the ſame, which ſhall be loaden with, or employed in carrying the Arms or Baggage of ſuch Soldiers; or for any Horſe or other Beaſt which ſhall be employed in the Carriage of Serges, or other Woollen Goods, to or from the Houſe or Houſes of any Inhabitant of the Pariſh of *Tiverton* aforeſaid, to or from the Fulling Mills, Tenter, or Rack, belonging to or occupied by ſuch Inhabitant, or for any Horſe or other Beaſt employed in the Carriage of Raw Hides, Skins, or Leather, to or from the Houſe or Houſes of any ſuch Inhabitant, or to or from any Tan Pit, Yard, or Workhouſe, occupied by ſuch Inhabitant, or carrying any Dye Stuff to or from the Raſping or Grinding Mills; or for any Carriage, Horſe, or other Beaſt, employed in paſſing Vagrants travelling with lawful Paſſes; nor ſhall any of the Tolls hereby laid, be demanded or taken from any Inhabitant of the ſaid Pariſh of *Tiverton*, who ſhall paſs through any of the ſaid Turnpikes to or from any Church, Chapel, or other Place of religious Worſhip, on *Sundays*, or who ſhall attend the Funeral of any Perſon to be buried in the ſaid Pariſh.

Penalty for claiming undue Exemptions.

XXVIII. Provided always, That if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the

ſame, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Tolls may be leſſened.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, with the Conſent of ſuch Perſon or Perſons as ſhall be entitled to upwards of One Moiety of the Money which ſhall then be due and owing upon the Credit of the ſaid Tolls, to leſſen or reduce all or any of the ſaid Tolls, for ſuch Time or Times as the ſaid Commiſſioners ſhall think proper, and afterwards, from Time to Time, to advance all or any of the Tolls ſo leſſened or reduced, to any Sum or Sums of Money not exceeding the reſpective Sums herein-before mentioned; and ſuch reduced or advanced Tolls ſhall and may be collected, levied, and recovered, in ſuch and the ſame Manner as the Tolls hereby granted are directed to be collected, levied, and recovered: Provided nevertheleſs, that no Alteration ſhall be made in any of the ſaid Tolls, unleſs publick Notice of the Meeting to be holden for that Purpoſe ſhall have been given.

Penalty on Perſons evading the Toll.

XXX. And be it further enacted, That if any Perſon ſhall with any Horſe, or other Cattle or Carriage whatſoever, paſs through any Land or Ground (not being a publick Highway) adjoining to or lying near any of the ſaid Turnpikes, to avoid the Payment of any of the ſaid Tolls; or if any Owner or Occupier of any ſuch Land or Ground ſhall permit or ſuffer any Perſon with any Cattle or Carriage whatſoever to paſs through the ſame, whereby ſuch Turnpikes ſhall be avoided; or if any Perſon ſhall forcibly paſs through any of the ſaid Turnpikes with any Horſe or other Cattle or Carriage, without Payment of the Tolls which ought to be paid for the ſame, or ſhall take off, or cauſe to be taken off, any Horſe or other Cattle from any Carriage, or ſhall leave, or cauſe to be left near to any of the ſaid Turnpikes, any Horſe or other Cattle or Carriage, with Intent to avoid the Payment of any of the ſaid Tolls, every Perſon offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit the Sum of Twenty Shillings.

Power to let the Tolls.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, from Time to Time, by Writing under their Hands and Seals, to grant, demiſe, or ſet out, all or any of the Tolls by this Act granted to any Perſon or Perſons from Year to Year, or for any Term not exceeding Three Years at any One Time, for the higheſt Rent that can be had or gotten for the ſame, by publick Auction, and ſuch Rent ſhall be payable Quarterly in Advance, and under and ſubject to ſuch Conditions and Reſtrictions as the ſaid Commiſſioners ſhall think fit; but Ten Days publick Notice of every Meeting for letting the ſaid Tolls ſhall be given by the Clerk of the ſaid Commiſſioners, in the Manner herein-before directed.

Notice of letting Tolls.

Power to borrow Money.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time to borrow and take up at Intereſt, upon the Credit of the Rates and Tolls by this Act authorized to be made and collected, ſuch Sum or Sums of Money as they ſhall think fit, not exceeding in the Whole the Sum of

Six thouſand Pounds, and by Writing under their Hands and Seals, to mortgage, demiſe, grant, or aſſign, the ſaid Rates and Tolls, or any Part or Parts thereof, (the Charges of ſuch Mortgages, Demiſes, Grants, or Aſſignments, to be paid for thereout), to any Perſon or Perſons, for any Term or Number of Years, as a Security for the Monies which ſhall be ſo borrowed, and the Intereſt thereof; but no Money ſhall be borrowed by virtue of this Act, after the Firſt Meeting of the ſaid Commiſſioners, unleſs Fourteen Days publick Notice of the Meeting, for the borrowing of ſuch Money, ſhall be given in the Manner hereinbefore directed; and all Perſons to whom ſuch Mortgages, Demiſes, Grants, or Aſſignments, ſhall be made, ſhall be, in Proportion to the Sums therein reſpectively mentioned, Creditors on the Rates and Tolls ſo to be mortgaged as aforeſaid, in equal Degree One with another, and ſhall not have any Preference with reſpect to the Priority of advancing any ſuch Monies, or the Dates of their reſpective Mortgages, and every Mortgage or Aſſignment to be made by virtue of this Act, ſhall be in the Form or to the Effect following; (*videlicet*),

'BY virtue of an Act of Parliament, paſſed in the Thirty-fourth Year of the Reign of King *George* the Third, intituled [*Inſert the Title of the Act*] we of the Commiſſioners appointed by or in purſuance of the ſaid Act, in Conſideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purpoſes of the ſaid Act, do grant, bargain, ſell, and demiſe, unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates and Tolls ariſing by virtue of the ſame Act, as the ſaid Sum of doth bear to the whole Sum, which may at any Time be charged upon the Credit of the ſaid Rates and Tolls, to be had and holden from this Day of until the ſaid Sum of with Intereſt for the ſame, after the Rate of *per Centum per Annum*, ſhall be paid and ſatisfied. Given under our Hands and Seals this Day of

And Copies or Entries, or Memorandums, of every ſuch Aſſignment, containing the Dates, Names of the Parties, and Sums borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, and which ſhall and may be inſpected at all ſeaſonable Times by all Perſons intereſted, without Fee or Reward; and the Perſon or Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may, from Time to Time, transfer his, her, or their, Right, Title, and Intereſt, to the Principal and Intereſt Money thereby ſecured, to any Perſon or Perſons, either by a ſeparate Inſtrument, or by Indorſement on ſuch Security, in the Words, or to the Effect following:

Form of Transfer of Security.

'I *A. B.* do hereby transfer the within Mortgage [*if by Indorſement*], or [*if by a ſeparate Inſtrument*] a certain Mortgage, bearing Date the Day of of the Rates and Tolls ariſing by virtue of an Act of Parliament, made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*Inſert the Title of the Act*], and all my

'Right and Title to the Principal Money and Intereſt thereby ſecured, 'unto *C. D.* his Executors, Adminiſtrators, and Aſſigns. Dated this 'Day of

Which ſaid Transfer ſhall be produced to the Clerk to the ſaid Commiſſioners, who ſhall regiſter and enter the ſame in the Book or Books to be kept for entering the original Aſſignment, for doing whereof he ſhall be paid Two Shillings and Sixpence by the Perſon requeſting the ſame; and after ſuch Entry thereof made, every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their, Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof and Payment thereon; and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall have made ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies due thereon.

Application of the Money.

XXXIII. And be it further enacted, That out of the Firſt Monies ariſing by virtue or for the Purpoſes of this Act, the ſaid Commiſſioners ſhall, in the Firſt Place, pay and diſcharge all the Expences of procuring and paſſing this Act, and ſhall afterwards apply the Remainder of all ſuch Monies in paying and diſcharging the Intereſt of all the Monies to be borrowed as aforeſaid, and in defraying all other Charges and Expences of carrying this Act into Execution, and the Surplus thereof (if any) ſhall be applied in paying off ſuch Principal Money, at ſuch Time and Times, and in ſuch Manner, as the ſaid Commiſſioners ſhall think proper.

Materials, &c. veſted in the Commiſſioners.

XXXIV. And be it further enacted, That all the Turnpikes and Toll Houſes to be made, built, erected, ſet up, or provided, by virtue of this Act, and all the Implements and Materials whereof the ſame reſpectively ſhall conſiſt, and alſo the Property of and in all the preſent and future Pavements in the Streets, Lanes, and other publick Paſſages and Places, within the ſaid Town, and all Materials and Things whatſoever for paving, repairing, and cleanſing, the Streets, Lanes, or publick Paſſages and Places, within the ſaid Town, as herein-after mentioned, or for any of the Purpoſes of this Act, to be purchaſed, had, collected, or gotten, or ſet up or erected, by the ſaid Commiſſioners, or any of them, or by their Order, ſhall be and are hereby veſted in the ſaid Commiſſioners, and they are hereby authorized and impowered to cauſe to be brought an Action, in the Name of their Clerk or Treaſurer, or to prefer and proſecute, or to order or direct the preferring or proſecuting Indictments, or other Proſecutions, againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion thereof, or who ſhall pull down, break, or dig up, ſpoil, injure, or deſtroy, ſteal, take, or carry away, the ſame, or any Part thereof.

Commiſſioners to have the Direction of the Town Lake.

XXXV. And whereas, all the ſaid Town of *Tiverton*, except that Part called *Weſtex*, is ſupplied with Water by a Stream or Lake running from *Norwood* Common unto and through the Streets of the ſaid Town, and that Part of the ſaid Town called *Weſtex* is alſo ſupplied with a Stream or Lake running from the Mill Leat there, unto and through all that Part of the ſaid Town, and it is proper that for the future ſuch Streams, and alſo the Outlets, Channels, or Lakes, from or along which the

the ſame paſs near or within the ſaid Town, ſhould be under the Direction of the ſaid Commiſſioners; be it therefore further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, from Time to Time, to manage and regulate the ſaid Streams of Water, in ſuch Manner as the ſaid Commiſſioners ſhall think neceſſary and proper for the better executing the Purpoſes of this Act.

Power to remove Obſtructions.

XXXVI. And be it further enacted, That the Occupier of every Houſe, Shop, Warehouſe, or other Building, within the ſaid Town, ſhall, at his or her own Coſts or Charges, within Ten Days after Notice in Writing ſhall be given to him or her, or left at his or her Dwelling Houſe, ſigned by the ſaid Commiſſioners, remove, or otherwiſe alter, all Signs and other Emblems uſed to denote any Trade, Occupation, or Calling, not being placed flat upon the Houſes or other Buildings to which the ſame belong, and alſo take down, fill up, remove, alter, or regulate, all Gutters, Sign Poſts, Sign Irons, or Shew Boards, ſtanding or being in or upon any of the Footways or Carriage Ways aforeſaid, and all Window Shutters, Porches, Sheds, Bulks, Blocks, or Pieces of Timber, Wells, Poſts, Rails, Stumps, Shew Glaſſes, Shew Boards, Steps, and all Penthouſes, Shutes, and Spouts, belonging to any Houſe or other Building, and projecting into or obſtructing the free Paſſage along any of the ſaid Streets, Ways, or publick Paſſages, and all other Nuiſances, Annoyances, and Incroachments, whatſoever, in ſuch Manner as in ſuch Notice ſhall be expreſſed or directed; and in caſe any ſuch Occupier ſhall neglect or refuſe ſo to do, it ſhall be lawful for the ſaid Commiſſioners to cauſe the ſame to be removed, taken down, filled up, altered, or regulated, and the Charges and Expences attending the ſame ſhall be borne and paid by ſuch Occupier or Occupiers reſpectively, and in Default of Payment thereof, upon Demand, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Occupier or Occupiers, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid Liberty, rendering the Overplus (if any), when demanded, to the Perſon whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Charges and Expences of ſuch Diſtreſs and Sale being firſt deducted.

Tenants paying Expences of removing Obſtructions, may deduct the ſame out of their Rent.

XXXVII. Provided nevertheleſs, That all ſuch Occupiers of the ſaid Houſes or other Buildings as are Tenants at Rack Rent, and who ſhall have paid any of the Charges and Expences of removing or altering any ſuch Projections, Annoyances, or Incroachments, as aforeſaid, agreeable to the Directions of the ſaid Commiſſioners, are hereby reſpectively authorized to deduct the ſame out of the then, or the next, Rent payable by them for or in reſpect of ſuch Houſes or other Buildings, and their reſpective Landlords are hereby required to allow ſuch Deductions accordingly, upon the Receipt of the Remainder of their Rent.

Penalty on cauſing Obſtructions or Nuiſances in the Streets.

XXXVIII. And be it further enacted, That if any Perſon ſhall run, drive, draw, carry, or place, on any of the publick Footways, in any of the Streets, Lanes, or other publick Paſſages within the ſaid Town, any Wheel, Sledge, Wheelbarrow, Handbarrow, Truck, or other

Carriage, or ſhall roll any Caſk, or wilfully ride, drive, or lead, any Horſe or other Beaſt on any of the ſaid Footways, or ſhall ſlaughter or dreſs any Swine or other Beaſt in any of the ſaid Streets or Lanes, or ſhall hoop, cleanſe, waſh, or ſcald, any Caſk or Tub, or hew or ſaw any Piece of Stone, Wood, or Timber, or bind or make any Wheel, or ſhoe, bleed, dreſs, or farry, any Horſe, Mare, or Gelding, or ſlack, wet, or mix, any Lime, or make or mix up any Mortar, or ſhall ſhew or expoſe to view any Stonehorſe or Stallion in any of the Streets, Lanes, or publick Places or Paſſages, within the ſaid Town, or ſhall throw out, ſet, or lay, any Coals, Coal Aſhes, Wood Aſhes, Rubbiſh, Dirt, Dung, or Filth, or any other Nuiſance or Annoyance whatſoever, into any of the ſaid Streets, Lanes, publick Paſſages or Places, or into the ſaid Town Lake, or Streams of Water, Pools, or publick Wells, or ſhall wilfully defile, obſtruct, or divert, the ſaid Town Lake, or other Streams of Water, running unto, through, or within, the ſaid Town, or ſhall drive any Pigs, Geeſe, or Ducks, into the ſaid Town Lake, or Streams of Water, or permit them to ſtray therein, every Perſon offending in any of the Caſes aforeſaid, ſhall, for every Offence, forfeit and pay any Sum not exceeding Five Pounds; and if any Perſon ſhall hereafter make, or aſſiſt in making, any Fires within the ſaid Town, commonly called *Bonfires*, or any Fires for firing Caſks or Veſſels, or wantonly ſport with Torches, Firebrands, or burning Candles, in the Streets thereof, or let off any Guns, Piſtols, or Rockets, or throw any Squib or any other Firework within the ſaid Town, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Penalties for leaving Carriages in the Streets.

XXXIX. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage, ſhall be left to remain in any Street, Lane, or other publick Paſſage or Place, within the ſaid Town, with or without Horſes, or other Beaſts, for any longer Time than ſhall be neceſſary for loading or unloading thereof, or if any Poſt Chaiſe, Sedan Chair, or any other Carriage let to hire, ſhall be left to remain in any of the ſaid Streets, Lanes, or other Paſſages or Places, with or without Horſes, for a longer Time than ſhall be neceſſary for taking up and ſetting down the Paſſengers, and for loading and unloading their Baggage; or if any Timber, Bricks, Stones, Gravel, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, or Merchandize, ſhall be placed, left, or remain, in any of the ſaid Streets, Lanes, or other publick Paſſages or Places, for any longer Time than ſhall be neceſſary for putting the ſame into the Houſes, Yards, or Places, of the Owners thereof, or for carrying away the ſame, then the Owner or Driver of every ſuch Carriage, and the Owner of or Perſon placing, by himſelf or otherwiſe, any ſuch Timber, Bricks, Goods, Wares, or other Things, which ſhall be left or ſuffered to remain in any of the ſaid Streets, Lanes, or other publick Paſſages or Places, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Ten Shillings: Provided always, That no Perſon ſhall be ſubject to any of the ſaid Penalties, for or on Account of any Timber, Boards, Bricks, or Stone, or any Rubbiſh or Dirt in the ſaid Streets, Lanes, or publick Paſſages or Places, before the Houſe or Tenement of ſuch Perſon, for the Purpoſe of, or occaſioned by the building, rebuilding, or repairing, the ſame, nor for ſlacking, wetting, or mixing,

Obſtructions occaſioned by building or repairing Houſes, not ſubject to the Penalty.

mixing, any Lime, or making or mixing up any Mortar for thoſe Purpoſes, in any of the ſaid Streets, Lanes, or Places, ſo that convenient Room be left for Carriages to paſs and repaſs, and ſo as the Owner or Occupier of ſuch Houſe or Tenement, before which ſuch Timber or other Things ſhall lie, do cauſe the ſame to be removed out of the ſaid Streets, Lanes, or Places, at his, her, or their own Coſts and Charges, after ſuch Houſe or Building ſhall be built, rebuilt, or repaired, upon Five Days Notice in Writing by the Clerk to the ſaid Commiſſioners, given for that Purpoſe to ſuch Owner or Occupier, or left at the Houſe or Tenement where ſuch Timber or other Things ſhall lie, on Pain of forfeiting the Sum of Five Shillings, for every Day the ſame ſhall continue unremoved, after the Expiration of the ſaid Five Days.

Not to affect the holding the Fairs and Markets.

XL. Provided alſo, That nothing in this Act contained ſhall prevent the holding of the Fairs and Markets within the ſaid Town, in ſuch and the ſame Places, and in the ſame Manner, as the ſaid Fairs and Markets by Law are now entitled to be held.

Actions to be brought in the Name of the Clerk.

XLI. And be it further enacted, That every Action to be brought by Direction of the ſaid Commiſſioners, touching the Execution of this Act, ſhall be brought and maintained in the Name of the Clerk to the ſaid Commiſſioners, by the Name and Deſcription only of *The Clerk to the Commiſſioners for paving and improving the Town of Tiverton*, and no ſuch Action ſhall abate, or be diſcontinued, by the Death or Removal of any ſuch Clerk; but the ſaid Clerk, for the Time being, to the ſaid Commiſſioners, ſhall always be deemed the Plaintiff in ſuch Action: Provided always, That every ſuch Clerk ſhall be reimburſed and indemnified out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Charges, and Expences, as he ſhall be put unto, or become chargeable with, by Reaſon of his being ſo to be made Plaintiff.

Proceedings, *etc.* to be entered.

XLII. And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which ſhall be collected, borrowed, and received, laid out, expended, and paid, by virtue of this Act, and of all Debts due to or from the ſaid Commiſſioners, and all Acts, Orders, and Proceedings, which ſhall be made or done by the ſaid Commiſſioners in the Execution of this Act, ſhall, from Time to Time, be duly and regularly entered into One or more Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, and that all and every Perſon and Perſons may peruſe and inſpect ſuch Book or Books at all ſeaſonable Times, without Fee or Reward, and may, from Time to Time, take Copies of all, or any Part or Parts of ſuch Book or Books, and ſuch Orders, Acts, and Proceedings, ſo entered and ſigned by the ſaid Commiſſioners, or by their Clerk by their Order, ſhall be deemed and taken to be Originals; which ſaid Book or Books, and alſo the Book or Books herein-before directed to be kept for the entering the ſaid Mortgages, Aſſignments, and Transfers, ſhall and may be produced, admitted, and read in Evidence in all Courts and Places whatſoever.

Recovery of Penalties.

XLIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed or inflicted (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall, upon Proof

of the Offences reſpectively before any Juſtice of the Peace, for the Liberty of the ſaid Town and Pariſh of *Tiverton*, either by Confeſſion of the Party or Parties, or by the Oath of any credible Witneſs, be recovered and levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice of the Peace, and the Overplus, after ſuch Penalties and Forfeitures, and the Charges of ſuch Proſecution for the ſame, are paid and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels, and the Penalties and Forfeitures, when ſo recovered and levied, ſhall, from Time to Time, be paid to the ſaid Commiſſioners, or to their Treaſurer, and ſhall be applied for and towards the Uſes and Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the common Gaol for the Liberty of the ſaid Town and Pariſh of *Tiverton*, there to remain, without Bail or Mainprize, for ſuch Time as ſuch Juſtice ſhall direct, not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

XLIV. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Rate or Aſſeſſment which ſhall be made or laid in purſuance of this Act, ſuch Perſon or Perſons may apply to the ſaid Commiſſioners at their Firſt Meeting, which ſhall be held after the Expiration of Five Days from the Time of demanding ſuch Rate; and the ſaid Commiſſioners at ſuch Meeting are hereby authorized and impowered, if they ſhall think ſuch Perſon or Perſons aggrieved, to give ſuch Relief in the Premiſes, as to them ſhall ſeem reaſonable; and if any Perſon or Perſons ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners therein, or if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any other Thing done in purſuance of this Act, (except in ſuch Caſes where the final Determination is directed by this Act, or for which no particular Method of Relief hath been hereby appointed), ſuch Perſon or Perſons may appeal to the Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be holden for the ſaid Liberty of *Tiverton* aforeſaid, or for the County of *Devon*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, the Perſon or Perſons appealing firſt giving, or cauſing to be given, Fourteen Days Notice in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and within Five Days next after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Liberty or County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſions; and the Juſtices at the ſaid Seſſions, upon due Proof being given as aforeſaid, and of entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of every ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt, as the ſaid Juſtices ſhall think proper, Appeal.

proper, and ſhall and may, at their Diſcretion, mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the ſaid Juſtices, in their ſaid General Quarter Seſſions, ſhall be binding and concluſive to all Intents and Purpoſes whatſoever.

XLV. And be it further enacted, That, in order to the Recovery of any ſuch Penalty or Forfeiture as aforeſaid, the Juſtice or Juſtices of the Peace for the ſaid Liberty ſhall take Information of the Perſon or Perſons proſecuting for the ſame before him or them in Writing, and ſhall proceed to hear and determine the Matter of ſuch Information, and ſhall cauſe the Conviction of any Offender againſt this Act to be drawn up in the following Form of Words, or in other Words to the ſame Effect; *(videlicet)*,

Form of Conviction.

'BE it remembered, That on the Day of *A. B.* is convicted before me, *C. D.* [*or* us, *C. D.* and *E. F.*] of His Majeſty's Juſtices of the Peace for the Liberty of the Town and Pariſh of *Tiverton*, in the County of *Devon*, of [*ſpecifying the Offence, and Time and Place when and where the ſame was committed, and the Penalty incurred, as the Caſe ſhall be.*] Given under my Hand and Seal [*or*, our Hands and Seals], the Day and Year firſt above-written.'

Limitation of Actions.

XLVI. And be it further enacted, That no Action at Law ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done, or to be done, by virtue of this Act, until after Thirty-one Days Notice thereof ſhall have been given to, or left at the uſual Place of Abode of the Perſon or Perſons againſt whom ſuch Action is intended to be brought, thereby ſetting forth the Cauſe of ſuch Action, or after Tender of ſufficient Amends hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact or Cauſe of ſuch Action ſhall have ariſen, and every ſuch Action ſhall be brought and laid in the County of *Devon*, and not elſewhere; and the Defendant or

General Iſſue.

Defendants, in every ſuch Action, ſhall and may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done by virtue and Authority of this Act; and if, on the Trial of ſuch Action, it ſhall appear to have been ſo done, or that ſuch Action ſhall be brought before the Expiration of Thirty-one Days next after ſuch Notice ſhall have been given or left as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved, or after the End of Three Calendar Months next after the Fact or Cauſe of ſuch Action ſhall have ariſen, or if ſuch Action ſhall be brought or laid in any other County than as aforeſaid, then, and in every of the ſaid Caſes, the Jury on the Trial of ſuch Action or Actions ſhall find a Verdict for the Defendant or Defendants therein; and in all Caſes where a Verdict ſhall be found for any Defendant or Defendants in ſuch Action, or the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame, after the Defendant or Defendants ſhall have appeared thereto, or ſhall be nonſuited, or if upon Demurrer Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs, then and in every of

Treble Coſts.

ſuch Caſes, the Defendant or Defendants in ſuch Action ſhall have Treble

Coſts, and ſhall have the like Remedy for recovering the ſame, as Defendants have for recovering Coſts in any other Caſe by Law.

Saving the Rights of the Corporation and Lords of the Manor.

XLVII. And be it further enacted, That nothing in this Act contained ſhall in any Manner take away, alter, prejudice, leſſen, or defeat, any legal Power, Privilege, Franchiſe, or Authority, of or belonging to the ſaid Mayor and Burgeſſes of the Town and Pariſh of *Tiverton*, or of the Lord or Lords of the Manor of *Tiverton*, or any of the Juries or Officers of their Courts or Leets within the ſaid Town, (ſave only the Power and Authority, if any ſuch there ſhall be, of preventing or hindering in any Reſpect the Execution of this Act, or of puniſhing any Perſon or Perſons who ſhall have been before puniſhed by the Authority of this Act for the ſame Offence), but that the ſaid Mayor and Burgeſſes, and Lord or Lords of the ſaid Manor, Juries and Officers reſpectively, ſhall and may at all Times hereafter uſe, exerciſe, and enjoy, all and every ſuch Powers, Privileges, Franchiſes, and Authorities, (ſave only as before is ſaved), in as full, large, and beneficial a Manner, in all Reſpects whatſoever as if this Act had not been made.

Publick Act.

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

The SCHEDULE of the Buildings and Lands intended to be purchaſed in purſuance of this Act, and referred to by the Act.

A Cottage or Dwelling Houſe in *Weſtex*, belonging to the Deviſees in Truſt of the late *William Smale*, now in the Occupation of *Joſeph Whitaker*.

Three Cottages or Dwelling Houſes in *Weſtex*, belonging to the Deviſees in Truſt of the late *Robert Wood*, now in the ſeveral Occupations of *Thomas Bowden*, *John Morrell*, and *Robert Rippon*.

A Garden in *Weſtex*, belonging to the Reverend *Richard Abraham* and others, in the Occupation of *John Tucker*.

A Dwelling Houſe in *Weſtex*, belonging to *Robert Voyſey*, in the Occupation of *James Quick*, Linen Draper.

Two Dwelling Houſes adjoining to *Exbridge*, belonging to *William Tucker*, in the ſeveral Occupations of *William Morſe* and *James Quick*.

A Dwelling Houſe near *Angel Hill*, belonging to *Honor Davey*, now in the Occupation of *William Aſh*.

A Dwelling Houſe adjoining, belonging to *Beavis Wood*, now in the Occupation alſo of the ſaid *William Aſh*.

A Dwelling Houſe near the *Angel Inn*, belonging to and in the Occupation of *John Needes*.

A Dwelling Houſe adjoining, belonging to and in the Occupation of *George James*.

Five Dwelling Houſes, with the Appurtenances, in or near *Bell Lane*, belonging to *Edward Tucker* Junior, and *Richard Coſway*, in the ſeveral Occupations of *John Fouracres*, *James Whitfield*, *Elizabeth Govier*, *Eleanor Land*, and *George Beck*.

A Dwelling Houſe in *Gold Street*, belonging to and in the Occupation of *John Weſtlake*: And,

The Common Pound adjoining, belonging to the Lords of the Manor of *Tiverton*.

4

FINIS.