



ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxxviii.

An Act for removing the Markets held within the City of *Exeter*, and for providing another Market Place, or other Market Places, in lieu thereof.

[15th July 1820.]

WHEREAS the City and County of the City of *Exeter* is of considerable Extent, having a large and increasing Population: And whereas a Market has been held, and continues to be holden, in the principal Street, called *The High* or *Fore Street*, within the said City and County, for supplying the Inhabitants of the said City and County with Provisions; and the said Street being quite open, all Persons resorting to the said Market are exposed to the Rain and Wind, to their great Inconvenience; and the same is also extremely dangerous for Passengers and others, the said Street being the great Thoroughfare from *London* to *Plymouth* and *Cornwall*; in consequence whereof, and from the great Increase of the Inhabitants of the said City and County, and of the Articles brought to the said Market for Sale, and of the Persons resorting thereto, it has become absolutely necessary, for the Convenience of the Public, and to prevent Annoyances and Obstructions in the said principal Street, that a Market Place or Market Places should be established: And whereas the Mayor, Bailiffs, and Commonalty of the said City and County are entitled, by Prescription and Usage, and by certain Letters Patent from His Majesty King *Edward* the Third, dated the Third Day of *February* in the Thirty-ninth Year of His Majesty's Reign, to certain Market Tolls and Duties payable in respect of all Articles exposed for Sale in the Markets within the said City and County; and being desirous that the present

[Local.]

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Markets

Power for
the Mayor,
&c. of Exeter
to purchase
Houses and
to provide
Markets, &c.

Markets should be removed are willing to provide another Market Place or other Market Places, and to erect Stalls, Shambles, and other Accommodations therein; but as considerable Expence will be incurred in the Purchase of other Lands for the Purpose of making the same of sufficient Extent, and rendering the Avenues leading thereto commodious, as also in erecting Stalls, Shambles, and other Accommodations for Persons resorting to the said Market or Markets with Articles for Sale, it will be necessary that the Tolls and Duties now payable in the said Markets should be increased, and that the several Tolls, Duties, and Stallage, specified in the First and Second Schedules to this Act annexed, should be collected and taken in lieu thereof: But as such Purposes cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Mayor, Bailiffs, and Commonalty shall, and do with all convenient Speed, and they are hereby required, when and as soon as a sufficient Sum or Sums of Money shall be raised and borrowed as herein-after mentioned, proceed to the Purchase, in Manner herein-after mentioned, of certain Houses, Buildings, Erections, Lands, Tenements, and Hereditaments contained in the Third and Fourth Schedules to this Act annexed, to the Extent of Thirty-five thousand superficial Feet in each, and no more; and in each of the Sites contained in the said Thirty-five thousand superficial Feet, Parcel of the said Schedules, erect and build one Market Place, and remove to each of the said Market Places, One Half of the Market now holden in the *High* and *Fore Streets* of the said City, for the Sale of Pork, Butter, Poultry, Eggs, Garden Stuff, Potatoes, Roots, Vegetables and manufactured Goods: Provided always, that the said Two Market Places shall be provided with convenient Avenues, and contain equal Accommodation and Conveniences applicable to each and every Species of Commodities; and that in each of the said Market Places there shall be erected and placed Thirty Stalls for Butchers, each possessing equal Space, Convenience, and Accommodation; and that it shall not be lawful for the said Mayor, Bailiffs, and Commonalty, by any Bye Law or Ordinance, to exclude the Sellers of any Commodities usually sold in the said Market from exposing their Goods to Sale in either of the said Markets.

Books to be
opened to re-
ceive Sub-
scriptions to-
wards carry-
ing the Pur-
poses of this
Act into
Effect.

II. And be it further enacted, That from and after the First Day of *August* next, the said Mayor, Bailiffs, and Commonalty shall cause Two Books to be provided and kept open at the Office of the Town Clerk of the said City, for the Purpose of receiving the Names and Signatures of Persons willing to advance Monies on the Credit of the said Tolls, Duties, Rents and Stallage, to be raised for the Purposes of this Act; and every such Person or Persons shall place against his, her, or their Name or Names the Sum he, she, or they shall be willing to subscribe, provided that no such Person shall set down and subscribe a less Sum than Fifty Pounds to one of the said Books, or Twenty-five Pounds to each of the said Books; and that One of the said Books shall be entitled a Book to contain Subscriptions for the Eastern Market, and the other to contain Subscriptions for the Western Market; and every such Person or Persons so subscribing as aforesaid, shall forthwith pay into one of the Banks now established within the said City and County, a Deposit of Five Pounds on every

every Twenty-five Pounds so subscribed, which Sum shall be placed to the Credit of the Eastern or Western *Exeter* Market Account, and the Residue thereof, within Thirteen Calendar Months from the said First Day of *August* next; and in case he, she, or they shall make default in Payment of the Residue of his, her, or their respective Subscriptions as aforesaid into the same Bank, the Monies so deposited by him, her, or them, shall be forfeited to the said Mayor, Bailiffs, and Commonalty, and applied to the Purposes of this Act: Provided always nevertheless, that the said Mayor, Bailiffs, and Commonalty shall, and they are hereby required to cause public Notice to be given in Two Newspapers, to be published within the said City, in Two successive Weeks, when and as soon as the Sum of Fourteen thousand Pounds shall be subscribed, and the Deposits paid, for the Market to be built on the Eastern Site; and also shall and will cause the like Notice to be given, when and as soon as the Sum of Fourteen thousand Pounds shall be subscribed, and the Deposits paid, for the Market to be built on the Western Site; and further, it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty, and they are hereby required, from and after the Expiration of Six Calendar Months from the Date of such Notices as aforesaid, provided the Subscriptions for one only of such Markets shall at the Expiration of such Notice be fully completed, and the Deposits paid, to erect and build one Market Place only on the Site of Ground specified in the Third or Fourth Schedule to this Act annexed, as the Case may be, for which Subscriptions shall be so completed, and Deposits paid as aforesaid, with sufficient and convenient Avenues, Stalls, Sheds, Shambles, and other Accommodations, and on an Extent of Ground not to contain less than Sixty thousand superficial Feet; and in such Case it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, by the Means and in the Manner in this Act provided, to raise such further Sum as may be necessary to complete such one Market Place, and convenient Avenues, not exceeding in the Whole the Sum of Twenty-five thousand Pounds: Provided, that in case the Whole of the said Two Sums of Fourteen thousand Pounds or Twenty-five thousand Pounds (as the Case may require) be not subscribed within Twelve Calendar Months from and after the said First Day of *August* next, the Deposit and Subscriptions so paid shall be by the said Bank or Banks returned to the Person or Persons who shall have so subscribed: Provided always, that although such Person or Persons may subscribe his or her Money in one of the said Books only, yet a proportional Part of the Whole of the Tolls, Duties, Rents, Stallage, and Sums of Money, payable and to be received by virtue of this Act, shall be assigned to such Person or Persons, as a Security for his or her Money so subscribed.

III. And be it further enacted, That from and after the Time both of the said Markets (or in case of such Default as aforesaid, the Whole of the said Market on one Site) shall be built and made fit for the Reception and Sale of Provisions, it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, and they are hereby authorized and empowered to demand, receive, and take, of and from all and every Person and Persons exposing for Sale any Article, Matter, or Thing in either of the Market Places or Market Place so to be built as aforesaid, such Tolls, Duties, Rents, and Stallage as shall from Time to Time be fixed and appointed by the said Mayor, Bailiffs, and Commonalty, or their

Power to take Toll as soon as one of the Markets shall be made fit for the Reception and Sale of Cattle and Provisions.

their Successors, according to the First and Second Schedules to this Act annexed, or specified in this Act, but not exceeding in Amount the respective Sums therein specified, subject to the Proviso herein-after contained for reducing the said several Tolls and Sums of Money to the Scale or Standard set forth in the Fifth Schedule to this Act annexed: Provided always, that the said Mayor, Bailiffs, and Commonalty shall not be entitled to collect or levy in the Western Market a greater Rate of Tolls, Rent, Stallage or Duties than in the Eastern.

Penalty on
Persons neg-
lecting or re-
fusing to
pay the same.

IV. And be it further enacted, That in case any Person or Persons holding or using or in any Manner occupying any of the said Buildings, Sheds, Stalls, Standings, Bulks, Tressels, Blocks, or other Conveniences, in the said Market Place or Market Places, or in any other Market, now or hereafter to be held within the said City and County; or who shall bring, place, or expose for Sale, within any Part of the said Markets, any Butchers Meat, or any other Goods, Articles, or Things whatsoever, for or in respect of which any Toll or Stallage may be demanded or taken thereon, shall, upon Demand thereof made by the Collector, Farmer, or other Person authorized to receive the said several Sums, Tolls, or Stallage, neglect or refuse to pay, or shall wilfully evade the Payment of the several Sums or Tolls or Stallage due in respect thereof by virtue of this Act, or in case any Dispute shall happen about the Amount of the Tolls or Stallage due, it shall be lawful for the said Collector, Farmer, or other Person or Persons authorized and appointed to collect and receive the said Sums, Tolls, and Stallage, either by himself or his Assistants, to seize and detain such Article, Matter, or Thing, until the Amount of the Tolls and Stallage due, and the Charges of keeping such Article, Matter or Thing shall be ascertained by any one Justice of the Peace for the said City and County, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls and Stallage due, and the Charges of keeping the same, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Tolls and Stallage, Costs and Charges, shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Power to let
Stands,
Stalls, &c.

V. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty, and their Successors, and they are hereby authorized and empowered, to let any of the Stands, Stalls, Benches or other Conveniences to be erected, built, made, or set up, by them the said Mayor, Bailiffs, and Commonalty, or their Successors, within the said Market Places, or either of them, to any Person or Persons who shall or may be willing or desirous of taking the same, by the Year, Half Year, or Quarter of a Year, or any shorter Period, the Rent for the same to be payable in advance; provided that the Tolls and Rent so to be taken shall not in any case exceed the Sums specified in the respective Schedules to this Act annexed.

VI. And

VI. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, from Time to Time to demise or let the said Market Place and Market Places, and to let to farm the Whole or any Part of the Tolls and Profits to be collected or to arise from or in respect of the said Market or Markets by virtue of this Act, to any Person or Persons who shall be willing to take or farm the same, either by public Auction or private Contract, upon such Terms and Conditions, and with such Securities for the Payment thereof, as shall be agreed upon and contracted for by and between the said Mayor, Bailiffs, and Commonalty, and their Successors, and the Person or Persons respectively to whom such Lettings shall be made.

Power to demise or let the said Market and Market Place, and the Tolls thereof.

VII. And be it further enacted, That it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, to erect and appoint a Public Weighing House or Place in or near the said Market or Markets, for weighing such Meat, Goods, Articles, and Things as shall be bought or sold by Weight therein; and they are hereby required to keep good and sufficient (according to the respective Standards in the Exchequer at *Westminster*) Weights, Scales, and Measures; and to appoint the Clerk or Clerks of the said Market or Markets, or any other Person or Persons, to attend the same on every Market Day, at such Time or Times as in such Rules, Orders, or Bye Laws to be made by virtue of this Act, shall from Time to Time be directed, during all which Time, and no longer, the said Market or Markets shall be holden and continue; and all and every Person and Persons selling Meat or other Things by Weight or Measure in the said Market or Markets, shall weigh and measure the same in or by the said Weights, Measures, or Scales as aforesaid, if required by the Buyer or Buyers thereof to be so weighed or measured; and in order to defray the Expences of providing the Weights, Scales, and Measures as aforesaid, and proper Persons to attend the same, there shall be paid by the Seller of such Meat or other Things, to the Clerk or Clerks of the said Market or Markets, or other Person or Persons appointed to receive the same, the Sums of Money following; (that is to say),

Power to erect a Weighing House, &c.

For every Piece of Meat or Thing, weighing not exceeding Twenty Pounds Avoirdupois, One Halfpenny and no more:

For every Piece of Meat or other Thing, weighing more than Twenty Pounds, and not exceeding Sixty Pounds Avoirdupois, Two-pence and no more:

For every Piece of Meat or other Thing, weighing more than Sixty Pounds Avoirdupois, the Sum of Four-pence and no more, by the Hundred Weight; and in that Proportion for any greater or less Quantity than an Hundred Pounds Weight over and above One hundred Pounds Weight:

And for all Articles, Matters, Goods and Things sold by Measure, there shall be paid by the Seller thereof, to the Clerk or Clerks of the said Market or Markets, or other Person or Persons appointed to receive the same, the Sums of Money following; that is to say,

For any Quantity not exceeding One Bushel, One Halfpenny; and the further Sum of One Penny for any Quantity more than One Bushel, and not exceeding Two Bushels; and the like further Sum of One Penny for every further Bushel, or any Quantity less than a Bushel beyond the former Bushel:

Weighing Rates to be paid.

[Local.]

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And

And if any Seller of Meat, or any Seller or Dealer in other Goods, Articles, or Things in the said Market or Markets, shall refuse or neglect to weigh or measure, being so required, by and with the said Public Scales, Weights, or Measures as aforesaid, or to pay for the same respectively at the Rate aforesaid, the Person or Persons so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect, a Sum not exceeding Ten Shillings, nor less than Five Shillings :

And the said several Tolls, Sums of Money, and Penalties shall and may be recovered by Distress and Sale of the Goods, Articles, and Things weighed or measured, or refused to be weighed or measured, in like Manner as herein-before is directed concerning the Recovery of the Tolls to be paid in respect of the said Market or Markets.

Power to
provide a
Cattle Mar-
ket.

VIII. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, and they are hereby authorized from Time to Time, when and as they shall deem it expedient after the passing of this Act, to appropriate and set apart such one or more Parcel or Parcels of Land or Ground now belonging, or which shall hereafter be purchased by or otherwise belong to the said Mayor, Bailiffs, and Commonalty, in their Corporate Capacity, and lying within the said City or County of the said City, as for a Public Market Place or Market Places, for exposing to Sale and selling live Cattle and Beasts therein; and to inclose and fence the same with proper and sufficient Gateways and Entrances into and from the same, in such Manner as the said Mayor, Bailiffs, and Commonalty shall think expedient; and also to make, erect, and continue upon the same, such Buildings and Erections as shall appear to them to be necessary, and to make and erect proper and sufficient Pens for the Cattle and Beasts which may be exposed to Sale in the said Market Place or Market Places, and to appropriate and set apart certain and particular Portions of the said Parcel or Parcels of Land or Ground, and also certain and particular Pens therein for exposing to Sale the different Sorts of Cattle and Beasts therein; and from Time to Time to enlarge, diminish, vary, and alter the Form, Situation, and Extent of the said Market Place or Market Places, Buildings and Pens, or any of them, as the said Mayor, Bailiffs, and Commonalty, and their Successors, shall think expedient; and that all and singular the Costs and Charges which shall be incurred or sustained in purchasing, providing, inclosing, and fencing the said Parcel or Parcels of Land and Ground, and in making and erecting the Buildings and Pens therein, and in maintaining, supporting, repairing, and preserving the same at all Times hereafter, and all other the Expences in anywise relating thereto, shall be paid and defrayed by the said Mayor, Bailiffs, and Commonalty, and their Successors, out of the Revenues belonging to the said Mayor, Bailiffs, and Commonalty, in their Corporate Capacity; and that the said Parcel or several Parcels of Land or Ground which shall be so appropriated as aforesaid, and the several Fences, Pens, Buildings, and Erections, in and upon the same, shall be vested in the said Mayor, Bailiffs, and Commonalty in their Corporate Capacity, and their Successors for ever.

Corporation
to give No-
tice when

IX. And be it further enacted, That when and so soon as the said Mayor, Bailiffs, and Commonalty, or their Successors, shall have appropriated

appropriated any such Parcel or Parcels of Land or Ground as aforesaid, and made the same fit for the Reception of Cattle and Beasts to be exposed for Sale therein, they shall cause Notice thereof to be given in such Provincial Newspapers as are principally circulated within the said City and County, and also to be affixed in some Public Place or Places within the said City and County, and shall in such Notices specify the Day on which the Market for exposing to Sale live Cattle and Beasts shall be first holden in and upon such Parcel or Parcels of Land or Ground; and that on such Day, to be specified as aforesaid, and at all Times thereafter, the Open and Public Cattle Market or Markets for exposing to Sale live Cattle and Beasts in the said City and County, shall be held and kept only in such Place or Places as shall be appropriated and set apart by the said Mayor, Bailiffs, and Commonalty, or their Successors as aforesaid; and that no such Market shall at any Time thereafter be held or kept, nor any live Cattle or Beasts be sold or exposed to Sale in any other Part or Place whatsoever within the said City and County on any Market Day or Fair Day whatsoever, unless such Place or Places as shall be appropriated and set apart as aforesaid shall at any Time be insufficient to hold and contain the Cattle and Beasts which shall be brought to be exposed for Sale therein.

the said Market shall be first opened.

X. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from selling or exposing to Sale any live Cattle or Beasts, being his, her, or their own Property only, in his, her, or their own Yards and Premises only, within the said City and County.

Not to prevent Persons selling Cattle in and on their own Yards and Premises.

XI. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, from Time to Time, as they shall deem it expedient, to appoint, appropriate, and limit the particular Time or Times during which any particular Kind or Description of live Cattle or Beasts shall be exposed to Sale in the said Market Place or Market Places.

Mayor, &c. to limit Time of Sale of Cattle.

XII. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, from Time to Time, and they are hereby fully authorized, when and as soon as such Parcel or Parcels of Land or Ground shall have been made fit for the Reception of Cattle and Beasts to be exposed for Sale therein as aforesaid, to demand, receive, and take, by themselves or by any of their Collectors, Farmers, Officers, or Servants, for and in respect of all live Cattle and Beasts which shall be brought to the said Market or Markets, on every Market Day or Fair Day, to be exposed to Sale therein, or which after being sold shall be again exposed to Sale therein, or after being sold shall be suffered to remain therein for a longer Time than shall be allowed by the said Mayor, Bailiffs, and Commonalty, or their Successors, for removing the same, the several Tolls or Sums of Money following; that is to say,

Tolls to be taken for live Cattle.

For every Horse, the Sum of One Shilling:

Tolls.

For every Colt, Filly, Foal, or Mule, the Sum of Sixpence:

For every Ox, Cow, Steer, or Heifer, the Sum of Three-pence:

For every Calf, Two-pence:

For

For every Sheep or Lamb, and for every Head of Swine (except Sucking Pigs), the Sum of One Penny
 And for every Sucking Pig, the Sum of One Halfpenny.

Tolls when
 to be paid.

XIII. And be it further enacted, That all the said Tolls shall become due when and as soon as the several Cattle or Beasts, in respect whereof the same are by this Act respectively made payable, shall be brought into the said Market Place or Market Places, and before the same shall be driven or permitted to go into any Pen or Pens therein; and in case of any Sale thereof in the said Market or Markets, then also immediately after the Expiration of the Time allowed for the Removal of such Cattle or Beasts after the Sale thereof, and shall be forthwith paid to the said Mayor, Bailiffs, and Commonalty, or their Successors, or to their Collectors, Farmers, Officers, or Servants authorized to receive the same, by the Owner or Owners of the several Cattle or Beasts in respect whereof the same shall be respectively payable, or by the Person or Persons accompanying such Cattle or Beasts; and if such Owner or Owners, or other Person or Persons, shall upon Demand thereof made by the Collector, Farmer, or other Person authorized to receive the same, either immediately or at any Time afterwards, neglect or refuse to make Payment of the said Tolls, or of any Part or Parts thereof, it shall be lawful for the said Collector, Farmer, or other Person so authorized to receive the same, either by himself or with his Assistants, to detain, seize, and distrain the Cattle or Beast in respect whereof such Tolls shall become payable, or any of them, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay the same as aforesaid; and that if such Tolls and the reasonable Charges of such Detention and Distress, and of keeping and maintaining the Things distrained, shall not be paid, such Collector, Farmer, or other Person authorized as aforesaid, shall and may, at the Expiration of Five Days thereafter, sell and dispose of the Things distrained, or any Part thereof, and out of the Monies which shall arise by such Sale, shall and may pay or retain such Tolls, and all reasonable Charges incurred by such Detention, Distress, and Sale, returning the Overplus (if any) of the said Monies, and such of the said Things distrained as shall remain unsold, if any there shall be, upon Demand, to the Owner or Owners thereof, or the Person or Persons in whose Possession the same shall have been when so detained and distrained as aforesaid, or as he, she, or they shall direct: Provided always, that before and until the said Cattle Market shall be so completed as aforesaid, nothing herein contained shall be construed to prevent or hinder the said Mayor, Bailiffs, and Commonalty, and their Successors, from taking such and the same Tolls for and in respect of any Horses, Cows, or Horned Cattle, Sheep, Calves, or Pigs, as they have heretofore been accustomed to receive and take.

Power to ap-
 point Offi-
 cers, &c.

XIV. And be it further enacted, That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby required to appoint a Treasurer or Treasurers, Clerk or Clerks, Inspector or Inspectors, and also to appoint and employ such other Person or Persons as may be necessary for the Purposes of this Act; and may from Time to Time remove any such Treasurer or Treasurers, Clerk or Clerks, Inspector or Inspectors, or other Persons so to be appointed as aforesaid, as they shall think proper, and appoint others in the Room or Stead of any such Officers so removed, or dying, or declining to act; and the said Mayor,
 Bailiffs,

Bailiffs, and Commonalty may, out of the Monies to be raised under or by virtue of this Act, make such Allowances to such Person or Persons respectively as they shall judge a reasonable Compensation for their respective Trouble and Services.

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

Officers to give Security.

XVI. And be it further enacted, That the said Treasurer or Treasurers shall from Time to Time, when required by the said Mayor, Bailiffs, and Commonalty, deliver and give in a particular, true, and perfect Account in Writing under his or their Hand or Hands, to the said Mayor, Bailiffs, and Commonalty, of all such Monies which he or they shall have respectively received and paid by virtue of this Act; and shall from Time to Time, when thereto required by the said Mayor, Bailiffs, and Commonalty, by Notice in Writing under their Hands, pay all such Monies as shall be in his or their Hand or Hands, to the said Mayor, Bailiffs, and Commonalty, or to such other Person or Persons as they shall by Writing under their Hands authorize or appoint to receive the same.

Officers to account.

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

Books of Account to be kept, and to be open to the Inspection of Trustees and Creditors.

XVIII. Provided always, and be it further enacted, That such Book or Books shall at all seasonable Times, for the Period of Twenty Days immediately preceding the *Epiphany* Quarter Session in every Year, be open to the Inspection of every Inhabitant of the said City or County, on paying the Sum of Ten Shillings and Sixpence for every such Inspection; and each and every such Inhabitant shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, on Payment to the said Clerk of Sixpence for every Seventy-two Words; and in

Books to be open to the Inspection of the Inhabitants, on paying a Fee.

[Local.]

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case

case the said Clerk shall not permit, or shall refuse to permit such Inhabitant or Inhabitants to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and applied as aforesaid.

Accounts of
Money to be
annually
made out.

XIX. And be it further enacted, That such Clerk so appointed as aforesaid, previous to the *Michaelmas* Sessions in each Year, shall draw out a general Balance Sheet or Statement, containing an Account of all Monies received for all Tolls and Duties payable by the First Schedule to this Act annexed, and of all Disbursements and Allowances for the preceding Year, made up to the Twenty-fourth of *July* then preceding, in which Account the said Mayor, Bailiffs, and Commonalty shall debit themselves with the Sum of Two hundred and fifty Pounds, out of the Rents payable by the Second Schedule to this Act annexed; and also, that they the said Mayor, Bailiffs, and Commonalty shall take Credit for such Sum as shall be equal in Amount to One-seventh Part of the gross Amount of Tolls and Duties collected and received under and by virtue of the First Schedule to this Act annexed, within any such Year, in lieu of and as a Compensation for the Interest the said Mayor, Bailiffs, and Commonalty may have in the said Tolls derived from the Markets now held in the *Fore* or *High Street* of the said City; and further, that they the said Mayor, Bailiffs, and Commonalty, shall and they are hereby required to order and direct such Statement of Account as aforesaid, to be printed and published in Two of the Newspapers at least, usually printed and published within the said City, within one Month from such *Michaelmas* Sessions, which Statement of Account shall be signed by the said Clerk for the Time being.

Power to ap-
peal against
any Item in
the said Ac-
counts, &c.

XX. And be it further enacted, That in case any Creditor or Creditors on the Tolls, Rents, or Rates hereby granted, or any Five Inhabitants of the said City or County of the said City, paying respectively Three-pence *per Week* to the Relief of the Poor of the said City or County, shall within Three Calendar Months next after the printing and publishing any such Statement of Account as aforesaid, object to any of the Items, Articles, or Charges contained in any such Account, he, she, or they shall, Fourteen Days at least before the then next General Quarter Sessions of the Peace for the County of *Devon*, give Notice to the said Clerk of his, her, or their Intention to appeal and reduce into Writing any Disallowance or Objection, or Disallowances or Objections so made, with the Reason for the same, and sign the same with his, her, or their Name or Names, and immediately thereon deliver the same to the Town Clerk for the Time being of the said City, and shall or may enter and prosecute an Appeal against the same, at the next General Quarter Sessions of the Peace in and for the said County of *Devon*, which shall have Power of Adjournment as is usual in Appeals against Orders of Removal; and the Magistrates for the County of *Devon* aforesaid are hereby authorized and empowered at their said General Quarter Sessions, or at any Adjournment as aforesaid, to hear and determine any such Appeal, and to allow or disallow any of the Charges in the said Account so specified in the said Notice; and the said Magistrates so assembled, are to be at liberty to award Costs to either Parties, as they in their Discretion shall think proper; and the Clerk, Treasurer, or other Officer of the said Mayor, Bailiffs, and Com-
monalty

monalty shall give Evidence on the said Appeal, and produce all necessary Books, Papers, and Accounts, if thereto legally required.

XXI. And be it further enacted, That it shall not be lawful for the said Mayor, Bailiffs, and Commonalty, to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Mayor, Bailiffs, and Commonalty; and if any Person shall act in both the said Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Clerk not to be the Treasurer, and vice versa.

XXII. And be it further enacted and declared, That the Person or Persons appointed by the said Mayor, Bailiffs, and Commonalty, or their Successors, as Inspector or Inspectors of Provisions, and of Weights and Measures in the said Market or Markets, shall and may and is and are hereby authorized and required to seize and publicly to destroy all unwholesome Meat which shall be brought into or offered for Sale in the said Market or Markets.

Power to seize and destroy all unwholesome Meat offered for Sale, &c.

XXIII. And be it further enacted, That from and after such Time as the said Market Place and Market Places shall have been built and completed by the said Mayor, Bailiffs, and Commonalty, or their Successors, and opened for public Use as a Market or Markets, the Market now held in the *High* or *Fore Street* shall be removed thereto; and if any Person or Persons shall thereafter, on any succeeding Market Days or any other Day, sell or expose to Sale within the said City and County, except in the said Market Place or Market Places, any Meat, Butter, Poultry, Eggs, Garden Stuff, Potatoes, Roots or Vegetables, or any Fish, at any Time within the said City and County, except as herein-after mentioned, every Person so offending shall for each and every such Offence, on Conviction before one or more Justice or Justices of the Peace for the said City and County, forfeit and pay any Sum not exceeding Forty Shillings: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any marketable Commodities, Matters or Things whatsoever, in his or her own private Dwelling House, or in his or her own Shop or Premises, in any Part of the said City and County; or to restrain or prohibit any Person or Persons from crying their Fish, Vegetables, or other Articles through the said City, or for selling the same from Door to Door within the said City and County; provided such Fish, Vegetables, or other Articles shall have paid the regular Market Tolls or Duties authorized to be taken, and mentioned in the First Schedule to this Act annexed.

Discontinuing the present Market Place, when the new Market Place shall have been built and completed.

XXIV. And

No manufac-
tured Goods,
&c. to be sold
within the
said Market
but on certain
Days.

XXIV. And be it further enacted, That no Person or Persons who shall rent any of the Stalls or Standings in the said Market Place or Places shall sell or cause to be sold, or to be exposed for Sale, any manufactured Article of any Kind whatsoever, save and except on *Tuesdays* and *Fridays* in every Week, being the Two Market Days now appointed, or such other Two Days as the said Mayor, Bailiffs, and Commonalty, or their Successors, shall hereafter think fit to appoint; and that no Butcher shall be allowed to rent or occupy any Stall or Standing but on *Tuesdays* and *Saturdays* in every Week, being the Days now appointed, or such other Two Days as the said Mayor, Bailiffs, and Commonalty, or their Successors shall or may hereafter think fit to appoint; and that no Person or Persons shall keep or use any Stall, Standing, or Shamble fronting to or in the *High* or *Fore Street* in the said City or County, for the Purpose of selling or exposing to Sale any Butcher's Meat: Provided always, that this Act shall not extend to prevent any Butcher from exposing to Sale any Meat in any Dwelling House used for the Purpose, and inhabited by any Butcher at the Time of passing this Act; and if any Person or Persons shall offend in any of the Cases aforesaid, such Person or Persons shall forfeit and pay any Sum of Money not exceeding Forty Shillings for every such Offence: Provided also, that nothing herein contained shall extend to prevent any Butcher occupying a Dwelling House, and residing within the said City and County of the said City, and paying the Rates and Taxes for or in respect of such Dwelling House, from taking and renting by the Year or any shorter Period, any Stall or Standing, to be appropriated as Shambles within the said intended Market Place or Market Places, and from occupying the same, and exposing Meat for Sale on every Day in the Week (*Sundays* excepted), but it shall and may be lawful for them so to do; and the said Market Place and Market Places, and the Entrances thereto, shall be opened and closed at such convenient Hours as shall be directed by the said Mayor, Bailiffs, and Commonalty, as herein-before mentioned.

Hours of
opening and
shutting the
Market.

Place ap-
pointed for
the Sale of
Corn, Grain,
Wool,
Leather, &c.
on the usual
Market Days.

XXV. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty, or their Successors, shall at their own Expence fit up and appropriate a certain Place, now called and used as the Corn Market and Country Butcherow, as a fit and convenient Place for the Sale of Corn and Grain of all Sorts, and also for selling Wool and Leather on the usual Market Days; and it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, to collect such Tolls on Wool and Leather, and also for all Corn and Grain, Pease, Beans and other Seeds exposed therein, at and after the Rate herein-after mentioned; that is to say, for every Bushel of Wheat, Pease, Beans, and other Seeds, not exceeding the Sum of One Penny for every Bushel; for every Bushel of Oats, not exceeding the Sum of One Halfpenny; for every Pack of Wool, not exceeding the Sum of Two Shillings and Sixpence; and for every Weighing of Leather, the Sum of Sixpence.

No Goods to
be sold by
Auction in
the public
Streets, ex-
cept on Fair
Days.

XXVI. Provided always, and be it further enacted, That no Person or Persons shall sell or cause to be sold by Auction or public Sale, any Goods, Articles, or Things whatsoever in the public Streets, or in any of the said Markets, save and except on the usual Fair Days, to be held within the said City and County.

XXVII. And

XXVII. And be it further enacted, That for the Regulation of the said Markets and Fairs now made and established, and of all other Markets and Fairs to be made and established in the said City and County, it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, and they are hereby authorized from Time to Time to make, constitute, provide, and ordain such Rules, Orders, and Bye Laws, as they shall think fit, for the regulating, ordering, and governing all Persons, both Buyers and Sellers, thereto coming and resorting, in all Matters which do or may concern or relate to the said Markets, and also for the regulating of all Carriers therein, and fixing and ascertaining the Rates and Prices for the carrying and conveying of all Articles carried and conveyed from the said Markets, within the said City and County, and for the appointing, trying, adjusting, regulating and ordering of all Weights and Measures, according to the legal Standard used and to be used in the said Markets, and the Sale of Goods, Provisions, and other Things, or any of them; by such Weights and Measures, and for preventing the Sale and exposing to Sale of such Goods, Provisions, and other Things in the said Markets, by false and deceitful Weights or Measures; and also for preventing the Sale or exposing to Sale of any unwholesome Flesh, Meat, Fish, and other Provisions, in such Markets; and likewise for regulating and ordering of all other Matters and Things which do or may concern or relate to the said Markets, or any of them; and the said Mayor, Bailiffs, and Commonalty, and their Successors, may from Time to Time, as they shall think fit, repeal, alter, add to, or amend such Rules, Orders, and Bye Laws, or any of them, and shall ascertain and therein set down what pecuniary and other Penalties and Forfeitures shall be incurred by Persons breaking or evading such Rules, Orders, and Bye Laws, or any of them, provided that no pecuniary Penalty shall exceed the Sum of Five Pounds for any one Offence; all which said Rules, Orders, and Bye Laws so to be made as aforesaid, shall not be repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions of this Act; and all Persons so as aforesaid coming and resorting to the said Markets, are hereby required to observe and keep under such Penalties and Forfeitures respectively as shall be ascertained and set down as aforesaid; and all such Rules, Orders, and Bye Laws shall be signed by the Town Clerk of the said City, and shall be printed on Boards, and put up or affixed in some conspicuous Place or Places in the said Markets, which from Time to Time shall be renewed and replaced, when and as often as the same shall be altered, obliterated, or defaced; and the same shall be as good, valid, and effectual as if the same had been enacted in this Act; but no Rule, Order, or Bye Law shall have any force or effect until Ten Days next after the same shall have been affixed as aforesaid; and the said Rules, Orders, and Bye Laws, and any Alteration thereof, shall be subject to Appeal in Manner herein-after mentioned.

Power to
make Rules
and Bye
Laws, &c.

XXVIII. And be it further enacted, That the Tolls, Duties, and Sums of Money to be collected and received by the said Mayor, Bailiffs, and Commonalty, by virtue of the First Schedule to this Act annexed, shall be applied annually in paying the Interest on the Monies to be borrowed under and by virtue of this Act, and also in paying the said One-seventh Part of the Gross Amount of the Tolls herein-before directed to be retained by the said Mayor, Bailiffs, and Commonalty, and their Successors, for their own Use, and in paying and discharging the Salaries of Officers, and

Application
of the Tolls
to pay the an-
nual Interest
and Charges,
and of the
Balance to
pay off the
Principal, and
for the Re-

[Local.]

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Tolls, and
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the Payment
of Two hun-
dred and
fifty Pounds
out of the
Rents.

all necessary Out-goings, Repairs, Disbursements, Expences and Allowances incurred and expended on or about the said Market or Markets; and after the Expiration of Six Years, to be computed from the Completion of the said Market Place or Market Places, such clear Balance of the said Tolls, Duties, and Sums of Money as may be then in their Hands, together with the said Sum of Two hundred and fifty Pounds *per Annum* so to be paid or allowed by the said Mayor, Bailiffs, and Commonalty, and their Successors, as herein-before mentioned, and the Accumulations thereof, and so thereafter yearly and every Year any future Balance and Sum of Money (except any less Sum than Fifty Pounds), shall be by them applied in paying off and discharging the Principal Money so to be borrowed in the Manner herein-after mentioned; and from and after the Time when the whole of such Principal Money and Interest so to be borrowed shall have been so paid off and discharged, then the Tolls, Duties, and Sums of Money specified in the First Schedule to this Act annexed shall cease, and the several Tolls, Duties, and Sums of Money specified in the Fifth Schedule to this Act annexed, shall be received by the said Mayor, Bailiffs, and Commonalty, and their Successors, for their own proper Use and Benefit, subject nevertheless to the Discharge of all necessary Out-goings, Repairs, Disbursements, Expences, and Allowances herein-before mentioned; and from and after the Payment off and Discharge of the said Principal Money and Interest thereon, the Annual Payment by the said Mayor, Bailiffs, and Commonalty, and their Successors, of the Sum of Two hundred and fifty Pounds, out of the Rents comprized in the Second Schedule, in aid of the Tolls and Duties specified in the First Schedule to this Act annexed, shall cease and be determined.

Power to bor-
row Money.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty, from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Twenty-eight thousand Pounds, as the said Mayor, Bailiffs, and Commonalty, shall deem necessary for the Purposes of this Act, upon the Credit of the Tolls and Duties to be laid and collected under and by virtue of the First Schedule to this Act annexed, and by Writing under the Common Seal of the said Mayor, Bailiffs, and Commonalty, to assign all or any Part of the said Tolls and Duties, together with (and as a further collateral and more ample Security) the Rents and Stallage to be received by the said Mayor, Bailiffs, and Commonalty, and their Successors, under and by virtue of the Second Schedule to this Act annexed; as also all other Rents, Tolls, and Duties to be collected and received by virtue of this Act, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security or Securities for any Sum or Sums of Money so to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignments (to be made in Manner and Form herein-after mentioned) shall be from Time to Time defrayed by the said Mayor, Bailiffs, and Commonalty out of the Money so borrowed; and every such Assignment shall be in the Words, or to the Effect following; (that is to say),

Form of
Assignment.

‘ WE, the Mayor, Bailiffs, and Commonalty of the City of *Exeter* in
‘ pursuance of an Act passed in the First Year of the Reign of King
‘ *George the Fourth*, intituled *An Act, &c.* [*here set forth the Title of this*
‘ *Act.*]

Act], in consideration of the Sum of _____ advanced and
 lent by _____ of _____ upon the
 Credit and for the Purposes of the said Act, do hereby grant and assign
 unto the said _____ [or, to his or her Trustee or Trustees,
as the Case may be] his [or, her, or their] Executors, Administrators, or
 Assigns, such Proportion of the Tolls, Stallage, Rents and Duties to
 be laid and collected by virtue of the said Act as the said Sum of
 _____ doth or shall bear to the whole Sum which may
 at any Time be borrowed or become due and owing, or be charged upon
 the Credit of the said Tolls, Stallage, Rents, and Duties; to be had and
 holden from this _____ Day of _____ until the
 said Sum of _____ with Interest after the Rate of Five
 Pounds *per Centum per Annum* for the same, to be paid Half-yearly at
 Lady-day and Michaelmas, shall be fully paid and satisfied. In Witness
 whereof we the said Mayor, Bailiffs, and Commonalty, have hereunto
 set our Common Seal, the _____ Day of _____
 in the Year of our Lord _____.

And all Persons to whom such Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Tolls, Stallage, Rents and Duties equally one with another, without any preference in respect of the Priority of advancing any such Money, or the Dates of any such Assignments; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment of the Money thereby secured, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

XXX. And be it further enacted, That in case the said Mayor, Bailiffs, and Commonalty shall think it advisable or more advantageous to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for a Life or Lives, or for a Term of Years, or by Tontine, instead of by Assignment as aforesaid, then it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, and they are hereby authorized and empowered so to do, and by any Writing under the Common Seal of the said Mayor, Bailiffs, and Commonalty, to grant an Annuity or Annuities to or for the Use of any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer of the said Mayor, Bailiffs, and Commonalty, any Sum or Sums of Money, as the said Mayor, Bailiffs, and Commonalty shall agree upon, for the absolute Purchase of any Annuity or Annuities, to be paid and payable during any Term of Years, or during the natural Life of every such Contributor, or during the natural Lives of any Two such Contributors, and the Life of the Survivor of them, or during the natural Life of such Person, or during the natural Lives of such Two Persons, and the Life of the Survivor of them, as shall be nominated by or on the Behalf of such Contributor or Contributors, at the Time of the Payment of his, or her, or their Contribution or Purchase Money, so that no such Annuity do exceed the Rate following; (that is to say), where the Age of the Annuitant or Person for whose Life the Annuity shall be granted shall not exceed Thirty-five years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Three Shillings for

Power to raise Part or the Whole of the Money by Annuities or by Tontine.

for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; where the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of such Consideration Money; where the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Consideration Money; and where the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money; and the Expence of every such Grant shall be paid, by the said Mayor, Bailiffs and Commonalty, out of the Money so contributed; and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say),

Form of
Grant of
Annuity.

WE, the Mayor, Bailiffs, and Commonalty of the City of *Exeter*, in pursuance of an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], in consideration of the Sum of
paid by _____ and _____
to the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said _____ and _____
an Annuity or yearly Sum of _____ to be paid out of
the Tolls, Stallage, Rents, and Duties, to be laid and collected by virtue of the same Act; which Annuity or yearly Sum of _____
shall be paid to the said _____ and _____
or his, or her, or their Assigns, during the Term of _____
Years [*or, as the Case may be*] during the Term of his or her natural Life, or to the said _____ and _____
and their Assigns, during their joint Lives, and the Life of the Survivor of them, or to the said _____ his or her Executors, Administrators, and Assigns, during the natural Life of _____
or during the natural Lives of _____ and _____
and the Life of the Survivor of them, by Two [*or, Four*] equal Half-yearly [*or, Quarterly*] Payments in every Year during the said Term of _____
Years [*or, as the Case may be*] during the natural Life or Lives of him or her [*or, them*] the said _____
[*or, of the said _____ and _____*
and of the Survivor of them] at the _____ the First Half-yearly [*or, Quarterly*] Payment thereof, to be made upon the _____
Day

Day of _____ next ensuing the Date hereof. In Witness
 whereof we the said Mayor, Bailiffs, and Commonalty have hereunto
 set our Common Seal, the _____ Day of _____ in the Year
 of our Lord _____

And every such Grant shall be good, valid, and effectual in the Law; and every such Annuity so to be granted as aforesaid, shall be and is hereby charged upon and shall be payable and paid by the Treasurer for the Time being to the said Mayor, Bailiffs, and Commonalty, out of the Tolls, Stallage, Rents, and Duties, according to the Grant of such Annuity.

XXXI. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed at legal Interest as aforesaid, or to be raised by granting Annuities, or by Tontine as aforesaid, and their respective Executors, Administrators, and Assigns, (as the Case may be) at any Time by Writing under their Hands and Seals, to transfer at their own Expence such Securities or Annuities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following; (that is to say),

Power to transfer Securities.

_____ being entitled to the Sum of _____ or to an
 Annuity of _____ secured to _____ and his Assigns [or,
 his or her Executors, Administrators, and Assigns, *as the Case may be*]
 by virtue of an Assignment [or, Grant of an Annuity] bearing Date
 the _____ Day of _____ in the Year of our Lord
 _____ under the Common Seal of the Mayor, Bailiffs, and Com-
 monalty of the City of *Exeter*, acting by virtue of an Act passed in the
 First Year of the Reign of King *George* the Fourth, intituled *An Act,*
&c. [*here set forth the Title of this Act*] upon the Credit of the Rates,
 Tolls, Stallage, Rents and Duties granted or payable by the said Act,
 do hereby transfer all my [or our] Right and Interest in and to the
 said Sum of _____ [or, an Annuity of _____]
 and all Interest now due or arising thereon, unto
 his or her Executors, Administrators, and Assigns. Dated the
 Day of _____ in the Year of our Lord _____

Form of Transfer.

And a Copy of every such Assignment, and of every such Grant of every such Annuity, and an Extract or Memorial of every Transfer thereof respectively, containing the Date, Names of the Parties, and Sums of Money or Annuity thereby transferred, shall be respectively entered into a Book or Books to be kept for that Purpose by the Town Clerk of the said City for the Time being, to which any Person interested shall at all convenient Times in the Day have free Access and Liberty to inspect the same without Fee or Reward; but for entering of every such Transfer as aforesaid, the said Clerk for the Time being shall be paid by the Person to whom such Transfer shall be made, the Sum of Ten Shillings and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his [or, her] Executors, Administrators, and Assigns, to the Benefit of the Assignment, or of the Grant of the Annuity thereby transferred, without any other Enrolment or Registry thereof.

Money to be
paid off, and
how.

XXXII. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty, and their Successors, shall from and after the Expiration of the first Six Years after the said Market Place or Market Places shall be completed, and they are hereby required to apply in paying off and discharging the Principal Monies borrowed on the Credit of this Act, together with the Interest that may be due thereon, such net Balance or Sum of Money as may be then in their Hands (except any less Sum than Fifty Pounds) and so thereafter Yearly and every Year, any future Balance or Sum of Money (except any less Sum than Fifty Pounds), as on the Statement of the Account so as aforesaid directed to be made and published, shall appear to be the net Balance over and above all Payments, Disbursements, and Allowances; and shall for that Purpose cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced as aforesaid, to be written on distinct Pieces of Paper of an equal Size; and all such Papers shall be rolled up in the same Form, or as near as may be, and be put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities to the Amount then intended to be paid off, shall be drawn separately out of the said Box or Wheel by the Town Clerk of the said City, or such other Person as shall be deputed by the said Mayor, Bailiffs, and Commonalty, or their Successors, and after every such Ballot the said Mayor, Bailiffs, and Commonalty, or their Successors, shall cause a Notice, signed by the said Town Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only one Creditor, to give Three Calendar Months Notice to such Creditor, of the Intention of the said Mayor, Bailiffs, and Commonalty, or their Successors, to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same shall be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months next after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be so paid off, shall, from and after the Day so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid; but the Principal Money, in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand.

For taking
down the
Church of
Allhallows.

XXXIII. And whereas the Church of *Allhallows* now is, and for several Years last past hath been in a dilapidated state, so that Divine Service hath not been there performed; and in order to make the Avenue to such intended Market Place convenient and of sufficient Width for a Carriage and Foot Entrance, it will be necessary to take down the said Church: And whereas the Lord Bishop of *Exeter* as Patron hath consented thereto, on Condition that another Church be erected of the same Size and Dimensions on a convenient Site of Ground within the said Parish of *Allhallows*, and according to a Plan to be approved of by the said Lord Bishop; be it further enacted, That it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty to take down the said Church of *Allhallows*, if they shall judge the same necessary for making such intended Avenue, and to dispose of the Materials thereof by Sale or otherwise; provided nevertheless, and upon Condition,

that the said Mayor, Bailiffs, and Commonalty, or their Successors shall and do, within the Space of Eighteen Calendar Months after the said Church shall be so taken down as aforesaid, at their own Expence, erect and build another Church of the same Size and Dimensions, with good and sufficient Materials, according to such Plan as shall be approved of by the Lord Bishop of the Diocese for the Time being; and that the Repair and Support of the said intended new Church shall be done and continued in such and the same Manner, and by and out of the same Rates and Funds as the said old Church hath been heretofore used and accustomed to be repaired and supported.

XXXIV. And be it further enacted, That for the Purpose of making the said Market Place or Market Places of sufficient Extent, and for opening proper Communications from the Public Streets, Lanes, and Passages to the same respectively, and also for widening the same, so as to render the Approaches thereto safe and commodious for Passengers, Carts, and Horses, it shall and may be lawful for the said Mayor, Bailiffs, and Commonalty, to treat and agree for the Purchase of the several Houses, Buildings, Erections, Lands, Tenements, or Hereditaments within the said City, mentioned and specified in the Third and Fourth Schedules to this Act annexed, or so much and such Parts thereof as they the said Mayor, Bailiffs, and Commonalty shall think right and proper, to be taken or used for the Purposes of this Act, or for the Damage to be done thereto respectively, in the Execution or for the Purposes of this Act; and to take down or alter all or any of such Houses, Buildings, Erections, Tenements, or Hereditaments to be so purchased, or any Part or Parts of the same respectively, and to appropriate all or any of the Ground or Sites thereof respectively; and also to appropriate all or any of the Lands to be so purchased for all or any of the Purposes aforesaid, as they the said Mayor, Bailiffs, and Commonalty shall think fit.

Power to purchase Houses, Lands, &c. for the Market.

XXXV. Provided always, and be it further enacted, That in case any House or Building, Lands, Tenements, or Hereditaments shall be damaged or injured by or in the taking down of any of the Houses or Buildings to be taken down for the Purposes aforesaid, or otherwise, in the Execution of this Act, the said Mayor, Bailiffs, and Commonalty are hereby authorized and required, out of the Money to be raised by virtue of this Act, to make the Owners and Occupiers of such Houses and Buildings, Lands, Tenements, and Hereditaments so damaged and injured, such Compensation and Satisfaction for such Damage as the said Mayor, Bailiffs, and Commonalty shall in their Judgment think reasonable, by the Payment of a Sum of Money in gross; and in case the Owners or Occupiers shall think the Satisfaction offered to them by the said Mayor, Bailiffs, and Commonalty not sufficient, then the same shall be settled by a Jury in the Manner herein-after provided, for ascertaining the Value of Lands taken and used for the Purposes of this Act.

Compensation to be made for Damages done to Houses; &c.

XXXVI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on the Behalf of themselves, but also for and on the Behalf of their respective Cestuique Trusts or Wards, Femes Covert, Infants,

Power for incapacitated Persons to sell, &c.

Infants, Issue unborn, Lunatics, Idiots, or other Persons whomsoever, and for all Femmes Covert, who are or shall be seised or interested in their own Right, or entitled to Dower or Interest therein, and to and for all and every other Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Houses, Buildings, Lands, Grounds, or Hereditaments, which the said Mayor, Bailiffs, and Commonalty, and their Successors, shall deem requisite to be purchased for any of the Purposes of this Act, to contract for Sale and to sell and convey to the said Mayor, Bailiffs, and Commonalty, and their Successors, or to any Person or Persons they shall appoint in Trust for them, all such Houses, Buildings, Lands, Grounds, or Hereditaments, or any of them or any Part thereof; and that all such Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances, which shall be so made as aforesaid, shall be good and valid in the Law to all Intents and Purposes whatsoever, not only to convey the Estate, Term, and Interest of the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons conveying, but also all the Right, Estate, Interest, Use, Trust, Property, Claim and Demand whatsoever, of their several and respective Cestuique Trusts, Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person whomsoever, and all Persons claiming or to claim by, from, or under them; any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

Persons refusing or neglecting to treat, Jury to be summoned to settle the Damages, &c.

XXXVII. Provided always, and be it further enacted, That if any such Person or Persons, Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons in anywise interested in such Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments required to be purchased and taken down for the Purposes of this Act, or any Occupier or Occupiers sustaining any such Loss, Injury, or Damage as aforesaid (upon Notice to him or them given or left in Writing at the Dwelling House or Houses or usual or last Place or Places of Abode of such Person or Persons, or of the Principal or Head Officer or Officers of such Bodies Politic or Corporate, or Corporation, or at the House of the Tenant or Tenants in Possession of such Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments intended to be purchased, taken down, and converted into or made Parts of the said Streets, Lanes, public Ways and Passages as aforesaid), shall, for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability, shall be prevented from treating, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of, or the Interest they claim therein, to the Satisfaction of the said Mayor, Bailiffs, and Commonalty or their Successors, then and in every such Case, the said Mayor, Bailiffs, and Commonalty, or their Successors, shall cause the Value of and Recompence to be made for such Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said City and County; and for the summoning and returning such Jury, the said Mayor, Bailiffs, and Commonalty, or their Successors, are hereby empowered from Time to Time to issue out their Warrant or Warrants to the High Sheriff of the said City and County, thereby commanding and requiring him

him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at the Sessions of the said City and County, and who are respectively seised or possessed of Freehold or Leasehold Estates within the said City and County, of the annual Value of Five Pounds, to appear before the said High Sheriff at such Time as in such Warrant or Warrants shall be appointed, at the Guildhall within the said City; and the said High Sheriff is hereby required to impanel, summon, and return such Number accordingly, to attend at the Time and Place so appointed, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said High Sheriff is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said High Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said High Sheriff is also hereby required and empowered from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath (which Oath the said High Sheriff is hereby empowered to administer), all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises; and he shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means as well for his own as for the said Jury's better Information in the Premises, as the said High Sheriff shall think fit, and the said Jury shall assess the Damages and Recompence to be given for the said Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, to the respective Owner or Owners thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such Damage, and given in their Verdict, the said High Sheriff shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Person or Persons interested in the said Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury.

XXXVIII. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Tenants for Life, Tenants in Tail, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors or Administrators, and against all other Person or Persons whomsoever; and all and every such Owners, Proprietors, Occupiers, and other Persons in anywise interested in such Dwelling Houses, Buildings, or Grounds, shall thereby be from thenceforth to all Intents and Purposes, divested of all Right, Title, Claim, Remainder, Reversion, Interest or Property, of, in, to, or out of the same; and on Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England*, in Manner

Determinations of Juries to be final and conclusive, &c.

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by this Act directed, and after such Payment it shall and may be lawful to and for the said High Sheriff to cause the Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereto, as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and thereupon the said Premises shall vest absolutely in the said Mayor, Bailiffs, and Commonalty, and their Successors, and they shall be and be deemed to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon shall be fairly entered and kept amongst the Records of the Quarter Sessions of the Peace of the said City and County; and a Duplicate of such Verdict and Judgment shall be kept by the Town Clerk of the said City, and the same or true Copies thereof shall be admitted, received, and taken as Evidence and Proof in all Courts of Law or Equity, at all Places whatsoever, and all Persons shall have Recourse to them *gratis*, and may take Copies thereof, paying Sixpence for every One hundred Words, and so in proportion for any less Number of Words; and the said High Sheriff acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury, and shall not appear without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or being so sworn, shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein contrary to the true Intent and Meaning of this Act; and on any Person or Persons, who being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences without some sufficient Excuse, or appearing shall refuse to be sworn and give Evidence, so as such Fine to be imposed on any Juryman or Witness shall not exceed the Sum of Ten Pounds for one Offence.

How the Expences of the Jury shall be paid.

XXXIX. And be it further enacted, That in case such Jury shall give in or deliver a Verdict for more Money, as a Recompence or Satisfaction for such Damages, than shall have been offered or tendered by the said Mayor, Bailiffs, and Commonalty, or their Successors, before the summoning or returning of such Jury, then the Costs and Expences of summoning and returning of such Jury and Witnesses shall be borne and paid by the said Mayor, Bailiffs, and Commonalty, out of the Money arising by virtue of this Act; but if any such Jury shall give in and deliver a Verdict for no more or for less Money as a Recompence or Satisfaction for such Damages than shall have been offered or tendered by the said Mayor, Bailiffs, and Commonalty, before the summoning or returning of the said Jury or Juries, then the Costs and Expences of summoning and returning such Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Mayor, Bailiffs, and Commonalty, and their Successors, shall have had any Controversy or Dispute, and shall be recovered in the same Manner as any Penalties and Forfeitures are herein-after directed to be recovered; and in cases where Parties, by reason of Absence or Disability, shall have been prevented from treating, such Costs and Expences shall be paid by the said Mayor, Bailiffs, and Commonalty.

XL. And be it further enacted, That every Lessee or Tenant for Years or at Will, Mortgagee, and every other Person in Possession of any Buildings, Lands, Tenements, or other Hereditaments, which shall be purchased by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Mayor, Bailiffs, and Commonalty, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Six Calendar Months Notice from the said Mayor, Bailiffs, and Commonalty, or the Person or Persons so appointed by them, to quit the same at such Time or Times as shall be required by such Notice, they the said Mayor, Bailiffs, and Commonalty making such Satisfaction and Compensation to every such Tenant or Lessee as aforesaid, (except a Mortgagee) in case he or she shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Mayor, Bailiffs, and Commonalty shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made by the said Mayor, Bailiffs, and Commonalty, for the Purchase of any Buildings, Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained, in case of any Dispute or Difference about the same; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they may be required by the said Mayor, Bailiffs, and Commonalty, peaceably and quietly deliver up the Possession of the said Premises to the said Mayor, Bailiffs, and Commonalty, or to the Person or Persons authorized by them to take Possession thereof; and if any such Person or Persons so in Possession as aforesaid shall refuse or neglect to deliver up such Possession, then and in every such Case it shall and may be lawful to and for the said Mayor, Bailiffs, and Commonalty to issue their Precept or Precepts to the said High Sheriff to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said High Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing or Execution of such Precept or Precepts, on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

Lessees or Tenants at Will to give Possession on having Six Calendar Months Notice to quit.

XLI. And whereas some Part or Parts of the said Buildings, Lands, Tenements, or Hereditaments, to be so purchased, taken, or used for the Purposes of this Act, may happen to be more than will be necessary or wanted for the Purposes of this Act; be it therefore further enacted; That it shall be lawful for the said Mayor, Bailiffs, and Commonalty, or their Successors, and they are hereby authorized and empowered, to sell or dispose of and to convey or cause to be sold or disposed of and conveyed, such Part or Parts of the said Buildings, Lands, Tenements, or Hereditaments, to be vested in them by virtue or in pursuance of this Act, to any Person or Persons willing to contract, agree for, or purchase the same; and the Money arising therefrom shall be paid and applied for the Purposes of this Act.

Power to sell Lands not wanted for the Purposes of the Act.

XLII. Provided always, and be it further enacted, That in case the said Mayor, Bailiffs, and Commonalty shall think proper to sell or dispose of any of the same Buildings, Lands, Tenements, or Hereditaments

First Offer thereof to be made to the Person from whom the

same shall
have been
purchased.

ments as may not be necessary to be made use of for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons from whom the same shall have been purchased, and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the said City and County (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on the Behalf of the said Mayor, Bailiffs, and Commonalty, or their Successors, or that such Offer was then and there refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Buildings, Lands, Tenements, or Hereditaments, and he, she, or they, and the said Mayor, Bailiffs, and Commonalty, or their Successors, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be settled and ascertained by a Jury, in such and the like Manner as any Sum or Sums of Money to be paid by the said Mayor, Bailiffs, and Commonalty, or their Successors, for the Purchase of any Buildings, Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained, in case of any Difference or Dispute about the same, and the same shall be recovered, levied, and applied in such and the like Manner; and the Costs and Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed *mutatis mutandis*; and the Money to arise by such Sale shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application
of Compensation Money
exceeding
200l.

XLIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Feme Covert, Infant, Lunatic, Idiot, Cestuique Trust, or to any Person or Persons whose Lands, Tenements, and Hereditaments are limited in strict or other Settlement, or to any Corporation, or Person or Persons under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery; to be placed to his Account *ex parte* the said Mayor, Bailiffs, and Commonalty, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase and Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments, standing settled therewith, to the same

or

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

XLIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be applied at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Mayor, Bailiffs, and Commonalty (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application of Compensation Money amounting to less than 200l.

XLV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before-mentioned, shall not exceed Twenty Pounds, then and all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such

Application of Compensation Money under 20l.

[*Local.*]

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Manner

Manner as the said Mayor, Bailiffs, and Commonalty, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

XLVI. And be it further enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any of the said Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Mayor, Bailiffs, and Commonalty, or their Successors, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case, it shall be lawful for the said Mayor, Bailiffs, and Commonalty, and their Successors, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties, or the unknown Persons (as the Case may be) interested in the said Lands or Tenements [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Body or Bodies, Person or Persons, making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds; and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Body or Bodies, Person or Persons, making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession deemed presumptively entitled.

XLVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn

to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities, to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XLVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Mayor, Bailiffs, and Commonalty, or their Successors, out of the Monies to be raised by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of Chancery may order reasonable Expences of Purchases to be paid.

XLIX. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Mayor, Bailiffs, and Commonalty, and their Successors, shall be made in the Form or to the Effect following; (that is to say),

Form of Conveyances to the Mayor, &c.

I in Consideration of the Sum of
to me paid by the Mayor, Bailiffs, and Commonalty of the City and County of the City of Exeter, acting by virtue of an Act passed in the First Year of the Reign of King George the Fourth, intituled [*here insert the Title of this Act*], do hereby grant and convey to the said Mayor, Bailiffs, and Commonalty, and their Successors, all [*here describe the Premises to be conveyed*] and all my Estate, Right, Title and Interest to and in the same and every Part thereof, to hold to the said Mayor, Bailiffs, and Commonalty, and their Successors for ever. In Witness whereof I have hereunto set my Hand and Seal, this
Day of in the Year of our Lord

And every such Sale, Conveyance and Assurance so made, shall be good, valid, and effectual to all Intents and Purposes whatsoever; any Law, Statute, Usage or Custom to the contrary thereof notwithstanding.

L. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on such Houses, Buildings, Lands, Tenements, or Hereditaments, not being in Possession thereof, by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Mayor, Bailiffs, and Commonalty, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Mayor, Bailiffs, and Commonalty, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Mayor, Bailiffs, and Commonalty, or such

Mortgages to be assigned to the Corporation on Tender of Principal and Interest, together with Six Months Interest on the Principal Sum.

such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the Mortgage or Mortgages, at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, that then at the Expiration of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Mayor, Bailiffs, and Commonalty, or such Person or Persons as shall be appointed as aforesaid in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage shall from thence cease and determine: Provided always, that in case the Sum due upon every such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act (such Value to be ascertained in Manner herein-before directed), then the said Mayor, Bailiffs, and Commonalty shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises, to be determined as aforesaid.

Power to sell
Materials of
Houses pur-
chased, &c.

LI. And be it further enacted, That the said Mayor, Bailiffs, and Commonalty shall and they are hereby authorized, in such Manner as they shall think proper, to sell or cause to be sold the Materials of Houses and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof (after deducting the Expences of pulling down such Houses and Buildings, and of such Sale or Sales), and also the Rents and Profits of the said Houses, Buildings, Lands, Tenements, and Hereditaments, to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be applied and disposed of for or towards the Purposes of this Act, and to and for no other Use or Purpose whatsoever.

Misnomer in
describing
the Premises
not to retard
the Execu-
tion of this
Act.

LII. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Ground, Hereditaments or Premises, which are mentioned or described in the Third and Fourth Schedules to this Act annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually as if the same were more properly named and described in the said Schedule; provided it shall appear to any Two Justices of the Peace for the said City and County of the City of *Exeter*, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Messuages, Buildings, Ground, Hereditaments, and Premises had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Limitation of
Actions, &c.

LIII. And be it further enacted, That no Action or Suit shall be brought or prosecuted against any Person or Persons for any thing done
in

in pursuance of this Act, unless One Calendar Month's Notice thereof shall be first given in Writing to the Town Clerk for the said City and County for the Time being, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, or unless the same shall be commenced before the Expiration of Three Calendar Months next after the Fact committed, or unless Tender of reasonable Amends hath not or shall not have been made by or on Behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any Action or Suit to be commenced for any thing done in pursuance of this Act, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence in any Trial to be had thereupon; and that the Matter or Thing for which such Action or Suit shall be brought, was done in pursuance and by the Authority of this Act; and if such Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before One Calendar Month's Notice thereof was given in Writing to the said Town Clerk for the Time being, signed by the Plaintiff or Plaintiffs or by his, her, or their Attorney or Attornies; or if it shall appear that such Action or Suit was not commenced before the Expiration of Three Calendar Months next after the Fact committed; or if it shall appear that Tender of reasonable Amends was made by or on Behalf of the Defendant or Defendants in such Action or Suit, before such Action or Suit was commenced, or if any such Action be brought in any other County or Place than the County aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

LIV. Provided always, and be it further enacted, That in all Actions or Suits to be brought against any Person or Persons for any Matter or Thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may before Plea pleaded pay into Court such Sum or Sums of Money as he, she, or they shall think proper, as and by way of reasonable Amends for such Matter or Thing; and if the Plaintiff or Plaintiffs shall refuse to accept the same, together with his, her, or their Costs to that Time (to be taxed by the proper Officer), and if the Jury who try the Cause shall not find the Damages to amount to a greater Sum or Sums of Money than the Money so paid into Court, the Verdict shall pass for the Defendant or Defendants; and such Defendant or Defendants shall have all other Privileges and Advantages given to any Defendant or Defendants by this Act, and shall and may recover Treble Costs, and have the like Remedy for the same as before directed for recovering Costs by any Defendant or Defendants.

Reasonable Amends to be paid into Court by Defendants, &c.

LV. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rule, Bye Law, Order, or by Judgment

Allowing an Appeal to Persons aggrieved.

[Local.]

ment or Determination made or given, or any other Matter or Thing done or to be done in pursuance of this Act, such Person or Persons, Body or Bodies Politic or Corporate, shall or may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County of *Devon*, within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant giving or causing to be given Fourteen Days Notice at least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Town Clerk of the said City and County of the City of *Exeter*, and within Four Days next after such Notice, entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said County, with Two sufficient Persons as Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General Quarter Sessions; and such Justices upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, and shall or may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye Law, Rule, Order, Regulation, or Determination; and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their said General Quarter Sessions shall be binding and conclusive.

LVI. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice and Justices of the Peace; before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following; (that is to say),

Form of
Conviction.

BE it remembered, That on the _____ Day of _____
to wit. _____ in the Year of our Lord _____ is convicted
before me [or us] _____ of His Majesty's Justices of the Peace
for the _____ by virtue of an Act passed in the First Year of
the Reign of His Majesty King George the Fourth, intituled *An Act*
[here set forth the Title of this Act, and specify the Offence, and the Time
and Place when and where the same was committed]. Given under
Hand and Seal the Day and Year first above written.

Distress not
to be unlaw-
ful for Want
of Form.

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

Proceedings
not to be

LVIII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be made void, quashed, or vacated

for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

quashed for
Want of
Form.

LIX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and Recovery whereof is not otherwise particularly directed) or which shall be inflicted by any Rule, Order, or Bye Law of the said Mayor, Bailiffs and Commonalty, and their Successors may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of Two Justices of the Peace for the said City and County, on Complaint to them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices, who are hereby authorized and required to summon any Witness or Witnesses upon Oath, and to examine him, her, or them of and concerning such Offences, Matters and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender or Offenders shall give sufficient Security to the Satisfaction of such Justices for his, her, or their Appearance before them on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for the said Justices, or any other Justices of the Peace for the said City and County, and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol of the said City and County, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Recovery of
Fines and
Penalties,
&c.

LX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to oblige the Commissioners, under an Act passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for better and more effectually paving, lighting, cleansing, watching and otherwise improving the Streets, Ways, and other public Passages and Places in the City and County*

This Act not
to oblige the
Commissioners,
under the
Paving Act
50 G. 3. to
repair or keep
in repair the

of

Pavements of
the said
Markets.

of the City of Exeter, to repair or keep in Repair the Pavements of any one or more of the Market or Markets to be hereafter built, but the same shall from Time to Time be paved, cleansed, and repaired by the said Mayor, Bailiffs, and Commonalty, and their Successors; and it shall not be lawful for the said Commissioners to rate or assess the said Mayor, Bailiffs and Commonalty, for or in respect thereof, or any Occupier or Occupiers of any Stalls, Shambles, or Shops in the said Markets, or either of them, for or towards any of the Purposes of the said Act of the Fiftieth Year of the Reign of His said late Majesty: Provided nevertheless, that the said Mayor, Bailiffs and Commonalty shall yearly and every Year, on the Twenty-ninth Day of *September* next after the said Market or Markets shall be completed and built, pay to the Treasurer of the said Commissioners the Sum of Twenty Pounds as a Compensation for the Rates that would have been payable for or in respect of the said Market or Markets.

For preserv-
ing the Rights
of the Dean
and Chapter
of Exeter.

LXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the Manor, Fee, Liberty and Franchise of *Saint Sidwell*, belonging to the Dean and Chapter of the Cathedral Church of *Saint Peter* in *Exeter*, or to authorize the said Mayor, Bailiffs and Commonalty to erect any Market Place, or hold any Market or Fair, or to demand, receive, or take any Tolls of Markets or Fairs, not heretofore lawfully holden or taken within the said Manor and Fee, or to take away, lessen, or diminish any Rights which may now by Law exist of selling or exposing to Sale any Articles within the same Manor and Fee, or any Right of Property or Soil, Liberty, Power, Privilege, Franchise or Jurisdiction of the said Dean and Chapter, within their said Manor and Fee of *Saint Sidwell*, or any other Rights of Property or Soil, Liberty, Power, Privilege, Franchise or Jurisdiction belonging to the said Dean and Chapter, or to the Bishop of *Exeter*, within the said City and County of the same; but that all such and the same Rights of Property and Soil, Liberties, Powers, Privileges, Franchises and Jurisdictions shall remain and be exercised and enjoyed by the said Dean and Chapter, and their Successors, and by the said Bishop and his Successors, in as full and ample a Manner to all Intents and Purposes as if this Act had not been passed.

Saving the
Rights of the
Mayor, Bai-
liffs and
Commonalty
of Exeter.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, diminish or affect, the Right of the Mayor, Bailiffs and Commonalty of the said City, to hold any Fairs, or the Right of the said Mayor, Bailiffs and Commonalty of the said City, or any of their Officers or Servants, to make, erect, sit or place Booths, Stalls, Benches, Forms and other Things, during the Time of holding any Fair or Fairs within the said City or County, or the Right of the said Mayor, Bailiffs and Commonalty of the said City, to any Rents, Tolls, Duties, or Profits whatsoever heretofore paid to them for or in respect of any such Fairs, or of any Booths, Stalls, Benches, Forms or other Things to be erected set or placed as aforesaid, or to any Right, Royalty, Privilege, Liberty, or Authority belonging to the said Mayor, Bailiffs and Commonalty, as Lords of the Manor of *Exe Island*, or any other Right, Liberty, Franchise, Rent Roll, Duty, Profit or Privilege whatsoever, belonging to the said Mayor, Bailiffs, and Commonalty of the said City not by this Act in express Terms and in express Words taken away, lessened, or diminished; but that the said
Mayor,

Mayor, Bailiffs, and Commonalty of the said City, shall and may continue to have, hold, and enjoy all such Rights, Liberties, Privileges, and Franchises, and to have, receive, and take all such Rents, Tolls, Duties, and Profits in like Manner as they could or might or ought to have done in case this Act had not been made.

LXIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the said Mayor, Bailiffs, and Commonalty, out of the first Money which shall arise under or by virtue of this Act, together with lawful Interest from the Time of advancing, paying, or disbursing the same, in preference to all other Payments whatsoever.

For paying the Expences of this Act.

LXIV. And be it further enacted, That nothing herein contained shall extend or be construed to extend to alter, prejudice, lessen, defeat, or affect the Rights and Privileges of the King's most Excellent Majesty, or of any other Person or Persons, Body or Bodies Politic, or Corporate or Collègiate whatsoever, his, her, or their Heirs, Executors, Administrators, or Assigns, in any respect whatsoever.

Saving of Rights.

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

Public Act.

The FIRST SCHEDULE referred to by the foregoing Act.

For every Pair of Panniers or Hampers, not measuring more than Four Feet in Length by Three Feet and a Half in Breadth, and Eighteen Inches in Depth, and not occupying in the whole more than Fourteen Feet, superficial Measure, on the Ground or Pavement, containing Poultry, Butter, Eggs, or any other Article of Provisions (except Butchers' Meat and Vegetables)

For each Market or other Day in the Week, not exceeding the Sum of

If occupying any larger Space, for each and every additional superficial Foot, not exceeding

For every single Pannier or Hamper containing the before-mentioned Articles, and not occupying in the whole more than Four Feet in Length, One Foot Nine Inches in Breadth, and Eighteen Inches in Depth, and not occupying in the whole more than Seven Feet, superficial Measure, on the Ground or Pavement, the Sum of

If occupying any larger Space, for each and every additional superficial Foot, not exceeding

For every Pair of Panniers or Hampers not occupying more than Four Feet in Length by Three Feet and a Half in Breadth, and Eighteen Inches in Depth, and not occupying in the whole more than Fourteen Feet, superficial Measure, on the Ground or Pavement, containing Vegetables or Fruit only

For each Market Day, not exceeding the Sum of

For every other Day in the Week, not exceeding the Sum of

If occupying any larger Space, for each and every additional superficial Foot, not exceeding the Sum of

For every single Pannier or Hamper containing Vegetables or Fruit only, not measuring more than Four Feet in Length, by One Foot Nine Inches in Breadth, and Eighteen Inches in Depth, and not occupying in the whole more than Seven Feet, superficial Measure, on the Ground or Pavement, for each Market Day, not exceeding the Sum of

For every other Day in the Week, not exceeding the Sum of

If occupying any larger Space, for each and every additional superficial Foot

For every Hand-basket, Hamper, or other Thing containing Poultry, Butter, Eggs, or any other Article of Provision, except Vegetables and Fruit, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Seven Inches in Depth, for each Market Day, or other Day in the Week, not exceeding the Sum of

s.	d.
0	9
0	1
0	4½
0	1
0	4
0	3
0	0½
0	2
0	1½
0	0½
0	3

For

For every Hand-basket, Hamper, or other Thing containing Vegetables or Fruit only, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth, and Twelve Inches in Depth, for each Market Day or other Day in the Week, not exceeding the Sum of - - - s. d. 0 1½

If any Hamper, Pannier or Basket shall exceed in Depth the Number of Inches herein before respectively limited; for every additional Inch in Depth thereof the Sum of - - - 0 0

For every Bag (not containing more than Ten Pecks Winchester Measure) of Potatoes or Carrots pitched in either of the Markets, the Sum of - - - 0 2

For every Bag of Turnips (not containing more than Ten Pecks Winchester Measure) pitched in either of the said Markets, the Sum of - - - 0 1½

For every Bag of Potatoes, Turnips or Carrots, brought within the said City or County for the Purpose of Sale, but not pitched in any or either of the Markets, the Sum of - - - 0 1

For every Horse Load of Peas, Beans, or other Vegetables, brought into the said City or County, for Sale, but not pitched in either of the Markets, the Sum of - - - 0 6

For every Cart containing the same Articles, the Sum of - - - 0 6
From the Occupier of each and every Stand, Stall, or Bench, for the Sale of Pork, not exceeding Fourteen superficial Feet, which such Stall, Bench or Stand shall measure on the Surface thereof, for each Market Day, not exceeding the Sum of - - - 2 0

From the Occupier of each Compartment or Space on the Surface of the Ground within the said Markets or Market, used for the Sale of any other Goods, Articles, or Things not before enumerated, according to the Size and Dimensions of the same; (that is to say), - - -

For each and every superficial Foot thereof for each Market Day, not exceeding the Sum of - - - 0 1½

The before-mentioned Tolls and Stallage in the said Market or Markets, to be paid and payable in respect of the Occupation of any Stall, Stand, Bench, Compartment, or Space of Ground, as well by the Original Taker or Occupier thereof, for a Part or Portion of the Day, as by any subsequent Taker or Occupier of the same, for any other Part or Portion of the Day or Space of Time.

The

The SECOND SCHEDULE referred to by the foregoing Act.

The Maximum of Rent for which each Fish Shop and each Butchers Stall shall be let by the Year.

	£	s.	d.
For each Fish Shop, not to contain less than Eight Feet Square, inside Measure, to be rented by the Year, not to exceed the Sum of	15	0	0
For each Butcher's Stall, fitted up with Racks and Hooks, and covered over from the Weather, to be occupied by Butchers not residing within the said City and County of the said City, on Two Market Days in the Week only, not to exceed the yearly Rent or Sum of	15	0	0
For each Butcher's Stall fitted up as aforesaid, to be occupied by Butchers residing within the said City and County of the said City, and to be occupied every Day in the Week, not to exceed the yearly Rent or Sum of	15	0	0

The THIRD SCHEDULE referred to by the foregoing Act.

A SCHEDULE of Property, comprizing Houses, Tenements, and Lands, required for the Site of the proposed New Market and Market Place for the Eastern End of the City of Exeter.

Goldsmith Street.

A small House and Court, the Property of the late Robert Tothill, now Edmund Granger, Esq. in the Parish of St. Paul.

A small House and Court, the Property of William Lee, Esq. in the same Parish.

A small House and Court, - Do. - - Do.

A House in the Court Yard of the Tailors Hall, and a small Room under ditto, the Property of Henry Ley, Esq. in the same Parish.

A House used as the Tailors Hall, with a small Tenement and Garden adjoining, the Property of the Tailors Company, in the same Parish.

A small Tenement and Court, in Possession of ——— Chaunter.

A ditto, in Possession of ——— Hill. A ditto in Possession of ——— Sandford, and the Site of Ground, late Aldridges, now the Property of the Mayor and Chamber of Exeter.

A House in Two Tenements, and a Garden, the Property of George Ferris.

A House let out in Tenements, the Property of Ann Kent, in the Parish of Allhallows, Goldsmith Street.

A small

A small Tenement and Garden, and Part of a Dwelling House, occupied by ——— Bradford. A Passage and Stable and small Court, the Property of John Madgwick Wilcocks, in the Parish of Allhallows, Goldsmith Street.

A House and Tenement, used as a Blacksmith's Shop, the Property of the Rev. William C. Colton, now occupied by ——— Newcombe, in the said Parish of Allhallows, Goldsmith Street.

A House and Outhouses, now a Baker's Shop, the Property of Edmund Coffin, in the Parish of Saint Paul.

A House and Outhouses, now a Tripe Shop, the Property of Elizabeth Stoneman, in the Parish of Allhallows, Goldsmith Street.

A House and small Court, now a Tin Shop, the Property of Mary Channing, in the same Parish.

A House and small Court, now a Shoemaker's Shop, the Property of Robert Saunders, in the same Parish.

A House and small Court, the Property of Charles Wills, in the same Parish.

A Stable attached to the Phoenix Inn, the Property of Richard Gurney.

A small Tenement adjoining the above, now a Hairdresser's Shop, the Property of ditto, both in the Parish of Allhallows, Goldsmith Street.

A House in Two Tenements, the Property of John Sanders, Cheesemonger.

A Dwelling House, now a Cheesemonger's Shop, the Property of ditto, both in Allhallows, Goldsmith Street.

The Parish Church of Allhallows, Goldsmith Street, a small dilapidated Building, used only for Vestry Meetings.

A small House adjoining the same, now a Druggist's Shop, occupied by ——— Newton, the Property of the Mayor, Bailiffs, and Commonalty of the said City of Exeter, in the same Parish.

Premises situate behind the Houses in High Street.

A House and Garden, lately used as the Excise Office; and Part of a Dwelling House let in Tenements, the Property of George Ferris, as Executor, in trust for the Children of John Ferris, deceased, in the same Parish.

A Dwelling House and Milliner's Shop, the Property of John Snell, in the same Parish.

A Part of the Swan Public House and Passage, with a small Brewhouse and Shed, the Property of the Chamber of Exeter, in the same Parish.

The present Fish Market, in the same Parish.

A Tenement and Outhouse, the Property of Mary Stokes, in the same Parish.

A Tenement and Court, the Property of the Reverend G. Coleridge and Wife, in the same Parish.

Premises situate at the Back of Gandy's Street.

Stables and small Court now occupied by ——— Brag, the Property of Maria Dowton, in the same Parish.

Part of Outbuilding and Garden, the Property of John Fenwick, in the same Parish.

Part of the Garden Ground belonging to Edmund Granger and Co. in the same Parish.

Part of the Garden Ground, and a small Tenement belonging to John Collins, now occupied by Thomas Flindell.

A Part of a Dwelling House and Garden, and Part of the Workshop belonging to Elias Tucker, Cabinet-maker, in the Parish of St. Paul.

Premises situate at the back of Paul Street.

Part of the Garden Ground belonging to John Campion, in the Parish of St. Paul.

A House and Garden, the Property of Henry Ley, Esq. in the same Parish.

The FOURTH SCHEDULE referred to by the foregoing Act.

A SCHEDULE of Property, comprizing Houses, Tenements and Lands, required for the Site of the proposed New Market and Market Place, for the Western End of the City of Exeter.

Fore Street.

A Dwelling House, now the Plough Inn, the Property of John Stephens, in the Parish of St. Olaves.

Butcher Row.

A Dwelling House, the Property of John Lake, in the Parish of St. Olave.

A Dwelling House, the Property of John Blackmore, in the same Parish.

A Dwelling House, the Property of Henry Cross, in the same Parish.

A Dwelling House, the Property of George Houghton, in the same Parish.

A Dwelling House, the Property of Sarah Coombe, in the same Parish.

Two Dwelling Houses and Butchers Shops, the Property of William Polard, in the same Parish.

A Dwelling House and Shop, the Property of John Hooper, in the same Parish.

A Dwelling House and Shop, the Property of John Rescrolle, in the same Parish.

A Dwelling House, the Property of Richard Beal, in the same Parish.

A Dwelling House and Shop, the Property of William Cross, in the same Parish.

A Dwelling House and Tenements, the Property of John Stephens, in the same Parish.

A Dwelling House and Tenements, the Property of William Crocket, in the same Parish.

A Dwelling House and Tenements, the Property of Jane Bartrum, in the same Parish.

A Dwelling House and Tenements, the Property of Benjamin Camp, in the same Parish.

A Dwelling House and Tenements, the Property of John Youlden, in the Parish of St. George.

A Dwelling House and Slaughter Houses, the Property of William Lang, in the same Parish.

A Dwelling House and Slaughter House, the Property of George England, in the Occupation of Ware, Marshall, and others, in the same Parish.

A Dwelling House and Shop, the Property of John Slocombe, in the same Parish.

A Stable, Shed, and Courtlage, the Property of John Sparkes, in the same Parish.

A Dwelling House, the Sign of the Butcher's Arms, now the Property of Joseph Richards, in the same Parish.

A Dwelling House and Shop, the Property of William Pollard, in the same Parish.

A Dwelling House and Cellars, the Property of Samuel Cornish, in the Occupation of Crane, Leechland, Ellis and others, in the same Parish.

A Dwelling House and Shop, the Property of John Cross, in the same Parish.

Two Slaughter Houses, the Property of John Lake, in the same Parish.

A Slaughter House, the Property of Edward Browne, in the same Parish.

A Dwelling House and Shop, the Property of William Jarman, in the same Parish.

A Dwelling House and Slaughter House, the Property of William Knapman, in the same Parish.

A Dwelling House and Slaughter House, the Property of Benjamin Camp in the same Parish.

Seven Stables and Slaughter Houses, the Property of Samuel Carter, in the same Parish.

Three Slaughter Houses, the Property of William Cross, in the same Parish.

A Dwelling House and Slaughter House, the Property of William Knapman, in the same Parish.

Premises situated in Guinea Street.

A Dwelling House and Work Shops, the Property of Joseph Bickford, in the Parish of St. Mary Major.

A Dwelling House and Cellars, the Sign of the Golden Lion, the Property of Hannah Ellis, in the same Parish.

A small Tenement, the Property of John Williams, in the same Parish.

A Dwelling House, the Property of John Mallett, now in the Occupation of ——— Pidgeon, in the same Parish.

A Slaughter House and Stable, the Property of John Smale junior, in the same Parish.

A Dwelling House, the Property of William Goodridge, in the same Parish.

A Dwelling House and Tenement, the Property of ——— Hewitt, in the same Parish.

The

The FIFTH SCHEDULE referred to by the foregoing Act.

	s.	d.
For every Pair of Panniers or Hampers, not measuring more than Four Feet in Length, by Three Feet and a Half in Breadth, and Eighteen Inches in Depth, and not occupying in the whole more than Fourteen Feet, superficial Measure, on the Ground or Pavement, containing Poultry, Butter, Eggs, or any other Article of Provisions, (except Butchers Meat and Vegetables)		
For each Market or other Day in the Week, not exceeding the Sum of	0	3
If occupying any larger Space, for each and every additional superficial Foot, not exceeding	0	0½
For every single Pannier or Hamper, containing the before mentioned Articles, and not occupying in the whole more than Four Feet in Length, One Foot Nine Inches in Breadth, and Eighteen Inches in Depth, and not occupying in the whole more than Seven Feet, superficial Measure, on the Ground or Pavement, the Sum of	0	1½
If occupying any larger Space, for each and every additional superficial Foot, not exceeding	0	0½
For every Pair of Panniers or Hampers, not occupying more than Four Feet in Length by Three Feet and a Half in Breadth, and Eighteen Inches in Depth, and not occupying in the whole more than Fourteen Feet superficial Measure, on the Ground or Pavement, containing Vegetables or Fruit only		
For each Market Day, not exceeding the Sum of	0	2
For every other Day in the Week	0	1½
If occupying any larger Space, for each and every additional superficial Foot	0	0½
For every single Pannier or Hamper, containing Vegetables or Fruit only, not measuring more than Four Feet in Length by One Foot Nine Inches in Breadth, and Eighteen Inches in Depth, and not occupying in the whole more than Seven Feet, superficial Measure, on the Ground or Pavement, for each Market Day, not exceeding the Sum of	0	1

For

	s.	d.
For every other Day in the Week, not exceeding	0	0 $\frac{3}{4}$
If occupying any larger Space, for each and every additional superficial Foot	0	0 $\frac{1}{2}$
For every Hand-basket, Hamper, or other Thing containing Poultry, Butter, Eggs, or any other Article of Provision, except Vegetables and Fruit, the Size and Dimensions thereof, not being more than Two Feet in Length by Fifteen Inches in Breadth, and Seven Inches in Depth, for each Market Day, or other Day in the Week, not exceeding the Sum of	0	1 $\frac{1}{2}$
For every Hand-basket, Hamper, or other Thing containing Vegetables or Fruit only, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth, and Twelve Inches in Depth, for each Market Day, or other Day in the Week, not exceeding the Sum of	0	0 $\frac{1}{2}$
If any Hamper, Pannier or Basket, shall exceed in Depth the Number of Inches herein-before respectively limited, for every additional Inch in Depth thereof, the Sum of	0	0 $\frac{1}{2}$
For every Bag, not containing more than Ten Pecks (Winchester Measure) of Potatoes or Carrots, pitched in either of the Markets	0	1
For every Bag of Turnips, not containing more than Ten Pecks, Winchester Measure, pitched in either of the said Markets	0	1
For every Bag of Potatoes, Turnips, or Carrots, brought within the said City or County, for the Purpose of Sale, but not pitched in any or either of the Markets	0	1
For every Horse Load of Pease, Beans, or other Vegetables, brought into the said City or County for Sale, but not pitched in either of the Markets	0	3
For every Cart, containing the same Articles	0	6
From the Occupier of each and every Stand, Stall, or Bench, for the Sale of Pork, not exceeding Fourteen superficial Feet, which such Stall, Bench, or Stand shall measure on the Surface thereof, for each Market Day, not exceeding the Sum of	1	0
From the Occupier of each Compartment or Space on the Surface of the Ground, within the said Markets or Market, used for the Sale of any other Goods, Articles, or Thing not before enumerated, according to the Size and Dimensions of the same; (that is to say), for each and every superficial Foot thereof, for each Market Day, not exceeding the Sum of	0	0 $\frac{1}{2}$

The before mentioned Tolls and Stallage in the said Market or Markets to be paid and payable in respect of the Occupation of any Stall, Stand, Bench,

[Local.]

25 T

Bench, Compartment or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

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