



ANNO SEXTO

# GEORGIIV. REGIS.

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## *Cap. cxxxix.*

An Act for removing the Markets held within the Town of *Tiverton* in the County of *Devon*; for providing a Market Place in the said Town, and for regulating and maintaining the said Markets.

[10th June 1825.]

**W**HEREAS a Market for supplying the Inhabitants of the Town and Parish of *Tiverton*, and the Neighbourhood thereof, in the County of *Devon*, with Meat, Fish, Poultry, Vegetables, and other Provisions, and for buying and selling Goods, Wares, and Merchandize, hath been held and continues to be holden in *Fore Street*, *Gold Street*, *Bampton Street*, and on *Angel Hill* in the said Town, on *Tuesday* and *Saturday* in every Week: And whereas a Market for the buying and selling of Live Cattle and Beasts hath been held and continues to be holden in and about *Newport Street* and *Peter Street*, in the said Town; and a Market for the buying and selling of Sheep hath also been held and continues to be holden on a Plot of Ground adjoining or near *Newport Street* aforesaid, through which Plot of Ground passes the Turnpike Road leading from *Tiverton* aforesaid, towards *Bampton* in the said County of *Devon*, and *Dulverton* in the County of *Somerset*: And whereas the said Town and Neighbourhood have of late Years very greatly increased, and are still increasing in Population and Buildings; and the said Markets being held in the open Streets, and much exposed to the Weather, all Persons resorting to the said Markets are oftentimes greatly inconvenienced, and endangered in their Health, and the said

[Local.]

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Streets

Streets called *Fore Street* and *Gold Street* being a great Thoroughfare to and from the City of *Exeter*, and the Towns of *Southmolton*, *Barnstaple*, and *Bideford* in the County of *Devon*, and the Cities of *Bristol*, *Bath*, and *London*, the Footways and Carriageways along the same last-mentioned Streets are, by reason of the said Markets being held therein as aforesaid, much incommoded and obstructed, and rendered very dangerous to the Inhabitants and the Public at large passing into or through the same: And whereas it would be a great Convenience and Advantage to the Inhabitants of the said Town and Neighbourhood, and the Public at large, and would tend to remove the Inconveniences and Dangers before mentioned, if a Market Place with proper Accommodations were provided and established, and the Markets now held in the Streets of the said Town were removed thereto, and proper Rules and Regulations were made and established for the good Government and Management of the said Markets: And whereas *Nicholas Dennys*, *John Follett*, *John Smith*, *Charles Osmond Osmond*, *John Govett* the younger, *Henry Dunsford*, *George Barne*, *Matthew Noble*, *John Follett Pugsley*, *William Besly*, *John Wood*, and *John Ley*, as Trustees under certain Deeds, Grants, and Assignments, claim to be entitled for the Residue of Three several Terms of Three thousand Years (which commenced, as to One-fourth Part of the Stallage and other Profits herein-after mentioned of the said Markets, on the Thirtieth Day of *January* One thousand six hundred and twenty-eight, and as to One-eighth Part of the same, on the Twenty-sixth Day of *October* One thousand six hundred and fifty, and as to One Moiety of the same, on the Tenth Day of *November* One thousand six hundred and fifty-four) to Seven Parts in Eight, the whole into Eight Parts to be divided; and the Mayor and Burgesses of the Town and Parish of *Tiverton* aforesaid, under certain Deeds, Wills, or Grants, and also by Prescription and Usage, are entitled in Fee Simple to the remaining One Part in Eight, the whole into Eight Parts to be divided, of and in the Markets of *Tiverton* aforesaid, and of and in the Stallage, Piccage, Tolls, Profits, Issues, Rents, Duties, Commodities, Payments, Benefits, and Emoluments arising, growing, or happening for or in respect of all Articles and Cattle, Beasts, and Sheep exposed for Sale in the said Markets, to, for, and upon the charitable Trusts, Ends, Intents, and Purposes in the said Deeds, Wills, Grants, or Assignments expressed and declared; and the said Trustees and Mayor and Burgesses are willing to provide a convenient Market Place, and to erect proper Buildings, Stalls, Standings, Shambles, and other Accommodations and Conveniences therein, and to make commodious Avenues leading thereto, and that the said present Markets should be removed to the same; but as considerable Expence will be incurred in the Purchase of certain Messuages, Lands, and Hereditaments for the Purpose of making and erecting the said Market Place, Buildings, Stalls, Standings, Shambles, and other Accommodations and Conveniences, and making commodious Avenues leading thereto, it will be necessary that the Tolls and Duties now payable in the said present Markets should be increased, and that the several Rents, Tolls, Duties, and Stallage specified in the Second Schedule to this Act annexed should be collected, taken, and received: And whereas the several Purposes aforesaid 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 it shall be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, and they are hereby authorized and empowered to purchase and take the several Messuages, Buildings, Lands, Tenements, and Hereditaments within the said Town, mentioned and specified in the First Schedule to this Act annexed, or so many or such Part or Parts thereof as they the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall think necessary and proper to be taken and used for the Purposes of this Act.

Trustees empowered to purchase Houses and Lands for the Purposes of this Act.

II. Provided also, and be it further enacted, That in case the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall not purchase the Lands, Buildings, Tenements, and Hereditaments mentioned in the First Schedule to this Act annexed, within the Space of Five Years from and after the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Houses and Lands to be purchased within Five Years.

III. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments, which are mentioned and specified in this Act, or in the First Schedule hereto annexed, or any of the Persons, or Body or Bodies Politic or Corporate, 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, to all Intents and Purposes whatsoever, as if the same were more properly and correctly named and described; provided it shall be made appear to any Two Justices of the Peace for the Liberty of the Town and Parish of *Tiverton* aforesaid, 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, Lands, Tenements, or Hereditaments, had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Error in Description of Houses, &c. to be purchased not to prevent the Execution of this Act.

IV. Provided always, and be it further enacted, That in case any Messuages or Buildings, Lands, Tenements, or Hereditaments, shall be damaged or injured by or in the taking down of any of the Messuages or Buildings to be taken down for the Purposes of, or otherwise in the Execution of this Act, the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall and they are hereby authorized and required, by and out of the Money to arise by virtue of this Act, to make to the Owners and Occupiers of such Messuages and Buildings, Lands, Tenements, and Hereditaments, so damaged or injured, such Compensation and Satisfaction for such Damage or Injury as the said Trustees, their Executors, Administrators,

Compensation to be made for Damage done in pulling down Houses, &c.

trators, or Assigns, and the said Mayor and Burgesses, or their Successors, shall in their Judgment think reasonable, by 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 Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, not sufficient, then the same shall be ascertained and settled by a Jury in manner herein provided for ascertaining the Value of the Messuages, Lands, and Hereditaments to be purchased, taken, or required for the Purposes of this Act.

Conveyances  
to be in the  
following  
Form.

V. And be it further enacted, That all Conveyances or Assurances of any Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased as aforesaid, as to Seven Parts in Eight of the same, shall be made to the said Trustees, their Heirs and Assigns, and may be made in the Form or to the Effect following; (that is to say),

‘ I in consideration of the Sum of  
‘ of lawful Money of *Great Britain* to me paid  
‘ by [*here insert the Names of the Trustees for the Time being*], acting by  
‘ virtue of an Act passed in the Sixth Year of the Reign of King *George*  
‘ the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*],  
‘ do hereby grant and convey unto the said [*here insert the Names of the*  
‘ *Trustees for the Time being*], and their Heirs and Assigns, all those  
‘ Seven Parts in Eight, the whole into Eight Parts to be divided, of and  
‘ in all, &c. [*here describe the Premises to be conveyed*], and all my Estate,  
‘ Right, Title, and Interest in and to the same, and every Part thereof;  
‘ to hold to the said [*here insert the Names of the Trustees for the Time*  
‘ *being*], their Heirs and Assigns for ever. In witness whereof I have  
‘ hereunto set my Hand and Seal, this Day of  
‘ in the Year of our Lord One thousand eight  
‘ hundred and

Form of Con-  
veyance to  
the Corpora-  
tion.

VI. And be it further enacted, That all Conveyances or Assurances of any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased as aforesaid, as to One Part in Eight of the same, shall be made to the said Mayor and Burgesses, and their Successors, and may be made in the Form or to the Effect following; that is to say,

‘ I in consideration of the Sum of  
‘ of lawful Money of *Great Britain* to me paid by the Mayor and  
‘ Burgesses of the Town and Parish of *Tiverton* in the County of *Devon*,  
‘ acting by virtue of an Act passed in the Sixth Year of the Reign of King  
‘ *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this*  
‘ *Act*], do hereby grant and convey to the said Mayor and Burgesses, and  
‘ their Successors, all that One Part in Eight, the whole into Eight Parts  
‘ to be divided, of and in all, &c. [*here describe the Premises to be conveyed*],  
‘ and all my Estate, Right, Title, and Interest in and to the same, and  
‘ every Part thereof; to hold to the said Mayor and Burgesses 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 One thousand eight hundred and

And every such Sale, Conveyance, and Assurance, when so made, shall be good, valid, and effectual, to all Intents and Purposes whatsoever,  
any

any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

VII. And be it further enacted, That all and every Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall have any Mortgage or Mortgages on any Messuages, Buildings, Lands, Tenements, or Hereditaments to be required for the Purposes of this Act (not being in Possession of the said Premises by virtue of such Mortgage or Mortgages), shall, on Tender of the Mortgage Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the principal Money, by the Clerk for the Time being, to be appointed in pursuance of this Act on behalf of the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, immediately convey, assign, and transfer Seven Parts in Eight of such Mortgage or Mortgages to the said Trustees, their Heirs and Assigns, and the other One Part in Eight of such Mortgage or Mortgages to the said Mayor and Burgesses and their Successors; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the Clerk for the Time being to be appointed in pursuance of this Act, that the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, will, out of the Money arising by virtue of this Act, pay off and discharge the principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, then on Payment of the Principal and Interest so due on such Mortgage or Mortgages, according to such Notice, such Mortgagee or Mortgagees shall convey, assign, and transfer Seven Parts in Eight of the said Mortgage or Mortgages, and his, her, or their Interest in Seven Parts in Eight of the Premises, to the said Trustees, their Heirs and Assigns, and the other One Part in Eight of such Mortgage or Mortgages, and his, her, or their Interest in One Part in Eight of the Premises, to the said Mayor and Burgesses and their Successors; but in case such Mortgagee or Mortgagees shall refuse to convey or assign on such Tender or Payment as aforesaid, then all Interest on every such Mortgage shall, from the Time of such Tender, or Expiration of such Notice, cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall not be liable out of the Monies arising by virtue of this Act to pay the Mortgagee or Mortgagees any more than the real Value of such Premises, which Value, in case the Parties cannot agree upon the same, shall be ascertained and settled by a Jury, in like Manner as other Values are herein-after directed to be ascertained and settled.

Mortgagees not in Possession to assign Mortgages to Trustees and Corporation respectively.

VIII. 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, Issue unborn,

Incapacitated Persons empowered to sell and convey.

[*Local.*]

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Lunatics,

Lunatics, Idiots, and other Persons; and that it shall also be lawful for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to any Interest therein, and to and for all and every other Persons and Person whomsoever, who are or shall be seised or possessed of or interested in any such Messuages, Buildings, Lands, Tenements, or Hereditaments, which the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, are enabled to take or purchase by virtue of this Act for the Purposes thereof, or any of them; and they are hereby required to contract for the Sale, and to sell and convey to the said Trustees, their Heirs and Assigns, Seven Parts in Eight, and to the said Mayor and Burgesses, and their Successors, the other One Part in Eight, of all such Messuages, Buildings, Lands, Tenements, and Hereditaments, or any of them, or any Part or Parts thereof; and 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 the Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, Wives, Infants, or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person whomsoever, and all Persons claiming or to claim by, from, or under them or any of them, any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

On Persons refusing to treat or to sell, Jury to be summoned to assess the Value, &c.

IX. 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, Husbands, Trustees, Feoffees, Guardians, Committees, Executors or Administrators, or any other Person or Persons in anywise interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments, in the First Schedule to this Act particularly mentioned and described, or any Occupier or Occupiers thereof sustaining any Loss, Injury, or Damage, shall for the Space of Twenty-one Days next after Notice in Writing, signed by the Clerk for the Time being to be appointed in pursuance of this Act, shall have been to him or them given, or left at the Dwelling House or Houses, or usual or last Place or Places of Abode of him, her, or them, or of the Principal or Head Officer or Officers of such Bodies Politic or Corporate, or Corporation, or at the House or Houses of the Tenant or Tenants in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments, intended to be purchased and taken for the Purposes of this Act, of such Messuages, Buildings, Lands, Tenements, or Hereditaments being required for the Purposes of this Act, neglect or refuse to treat and agree, or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, 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 Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, then and in every such Case the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, shall cause the Value and Recompence to be made for such Messuages, Buildings, Lands, Tenements, or Hereditaments to be inquired into and ascertained by a

Jury of Twelve indifferent Men of the said County of *Devon*; and for the summoning and returning such Jury the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, are hereby empowered from Time to Time to issue their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at the Sessions of the said County, and who are respectively seised or possessed of Freehold or Leasehold Estates within the said County of the annual Value of Ten Pounds, to appear before the said Sheriff at such Time as in such Warrant or Warrants shall be appointed, at the Town Hall within the said Town; and the said 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 Sheriff is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid, and in default of such a Number of Jurymen appearing, the said 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 Sheriff is hereby also 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 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 also 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 Sheriff shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the Messuages, Buildings, Lands, Tenements, or Hereditaments, to the respective Owner or Owners, and Occupier or Occupiers 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 Damages and Recompence, and given in their Verdict, the said Sheriff shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid for the said Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Interest therein, according to such Verdict or Inquisition of the said Jury.

X. 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, Remainder, 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, Occupiers, and other Persons in anywise interested in such Messuages, Buildings,

Verdict of  
Jury to be  
final.

ings, Lands; Tenements, or Hereditaments, 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*, within the Time and in Manner by this Act directed, and after such Payment, it shall and may be lawful to and for the said 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 thereupon the Premises shall absolutely vest, as to Seven Parts in Eight, in the said Trustees, their Heirs and Assigns, and as to the other One Part in Eight, in the said Mayor and Burgesses and their Successors, and they and each of them shall be and be deemed to be in the actual Seisin and Possession of such Parts respectively, to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon as aforesaid shall be transmitted to and be fairly entered and kept amongst the Records of the Quarter Sessions of the Peace of the said County, and a Duplicate of such Verdict and Judgment shall be transmitted to and be kept by the Town Clerk of the said Town and Parish of *Tiverton*; and the same, or true Copies thereof, shall be admitted, received, and taken in Evidence and Proof, in all Courts of Law or Equity, and all Places whatsoever; and all Persons shall have recourse to them *gratis*, and may take Copies thereof *gratis*, and may, if they think proper, order Copies thereof to be made, paying Sixpence for every One hundred Words, and so in proportion for any less Number of Words to be copied.

Penalty on  
Persons sum-  
moned not  
appearing, or  
refusing to be  
sworn.

XI. And be it further enacted, That the said 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 or 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.

Expences of  
Jury how to  
be paid.

XII. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons, Bodies Politic or Corporate, in or to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for any such Damage or Injury as aforesaid, than shall have been offered or tendered by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors as aforesaid, before the summoning or returning of such Jury, then the Costs and Expences of such Notice or Notices, Precept or Precepts, and of summoning  
and



and returning such Jury and Witnesses, and also of the said Inquest (such Costs and Expences to be settled and allowed by any Justice of the Peace for the said County of *Devon*, not being one of the said Trustees, or the said Mayor and Burgesses, nor a Person interested), shall be borne and paid by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, out of the Money arising by virtue of this Act, and shall and may be recovered by the Person or Persons entitled thereto, by Distress and Sale of the Goods and Chattels of the said Trustees and the said Mayor and Burgesses respectively, or of their Treasurer, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to or claiming to receive such Costs and Expences; but if any such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money as a Recompence or Satisfaction as aforesaid than shall have been offered or tendered as aforesaid by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, before the summoning or returning of the said Jury or Juries as aforesaid, then One Moiety of the Costs and Expences aforesaid shall be borne and paid by the Person or Persons, Bodies Politic or Corporate, with whom the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or 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 the other Moiety thereof shall be borne and paid by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, and their Successors, out of the Money arising as aforesaid, and be recovered by Distress and Sale in manner aforesaid; but in Cases where Parties, by reason of Absence or Disability, shall have been prevented from treating and agreeing, such Costs and Expences shall be paid and borne by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, out of the Money arising by virtue of this Act, and be recovered by Distress and Sale in manner aforesaid.

XIII. And be it further enacted, That every Lessee or Tenant for Years, or from Year to Year, or at Will, Mortgagee, and every other Person in Possession of any Messuages, Buildings, Lands, Tenements, or other Hereditaments, which shall be purchased or taken by virtue and for the Purposes of this Act, shall deliver up the Possession of Seven Parts in Eight of such Premises to the said Trustees, their Heirs or Assigns, and of One other Part in Eight of such Premises to the said Mayor and Burgesses, or their Successors, upon having Twelve Calendar Months Notice from the Clerk for the Time being, to be appointed in pursuance of this Act, on behalf of the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, to quit the same at such Time or Times as shall be required by such Notice, they the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, making such Satisfaction and Compensation to every such Tenant, Lessee,

Lessees and Tenants at Will to deliver Possession on Twelve Months Notice.

or other Person aforesaid (except a Mortgagee), in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term or Interest in the Premises, as the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, and such Lessee, Tenant, or other Person 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 ascertained and settled by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, is and are herein directed to be ascertained and settled in case of any Dispute or Difference about the same; and such Lessee, Tenant, or other Person aforesaid in Possession, shall, at such Time or Times as he, she, or they shall be required by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, peaceably and quietly deliver up the Possession of Seven Parts in Eight of the said Premises to the said Trustees, their Heirs or Assigns, and of the other One Part in Eight of the said Premises to the said Mayor and Burgesses, or their Successors; and if any such Lessee, Tenant, or other Person aforesaid, so in Possession as aforesaid, shall refuse or neglect to deliver up such Possession as aforesaid, then and in every such Case it shall and may be lawful to and for the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, to issue their Precept or Precepts to the said Sheriff, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs and Charges 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 Chattels.

For taking Possession of Messuages, &c. on Payment or Tender of Purchase Money agreed upon or assessed.

XIV. And be it further enacted, That upon Payment, or legal Tender, by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, of the Purchase Money agreed upon or assessed by such Jury as aforesaid, for any of the Messuages, Buildings, Lands, Tenements, or Hereditaments authorized to be taken and purchased for the Purposes of this Act, to the Owner or Owners thereof, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, or into the Bank of *England*, in the several Cases herein mentioned, within Three Calendar Months after such Purchase Money shall have been so agreed upon or assessed as aforesaid, it shall be lawful for the said Trustees, their Heirs or Assigns, to enter into and upon Seven Parts in Eight of the Messuages, Buildings, Lands, Tenements, and Hereditaments whereof the Purchase Money shall be so paid or tendered; and for the said Mayor and Burgesses, or their Successors, to enter into and upon the other One Part in Eight of the Messuages, Buildings, Lands, Tenements, and Hereditaments whereof the Purchase Money shall be so paid or tendered, and thereupon Seven Parts in Eight of the same shall thenceforth be vested in the said Trustees, their Heirs and Assigns; and the other One Part in Eight of the same shall thenceforth be vested in the said Mayor and Burgesses, and their

Successors, for the Purposes of this Act; and every such Payment or Tender shall bar all Estates, Rights, Titles, and Interest of all Persons whomsoever therein; provided nevertheless, that before such Payment or Tender shall be made, it shall not be lawful for the said Trustees, their Heirs or Assigns; or any Person acting under their Authority, to enter into or upon Seven Parts in Eight, or for the said Mayor and Burgesses, or their Successors; or any Person acting by their Authority, to enter into or upon the other One Part in Eight of any Messuages, Buildings, Lands, Tenements, or Hereditaments authorized to be taken and purchased for the Purposes of this Act, without the Consent of the Owner or Owners thereof, and other the Person or Persons interested therein, or entitled thereto, or to any Estate therein.

XV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Buildings, 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 Messuages, Buildings, 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, and there shall not be any Power in the Deed or Will by which such Messuages, Buildings, Lands, Tenements, and Hereditaments shall be settled, authorizing the Sale thereof, so that a Conveyance may be taken under this Act, 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 Court of Exchequer, to be placed to his Account *ex parte* the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster, on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Buildings, 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, or affecting any other Messuages, Buildings, Lands, Tenements, or Hereditaments standing settled therewith to the same 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 Messuages, Buildings, 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, Buildings, Lands, Tenements, or Hereditaments

Application  
of Compensation  
Money when ex-  
ceeding 200*l*.

1 G. 4. c. 35.

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, 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, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If less than  
200l. and ex-  
ceeding 20l.

XVI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Buildings, 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 Messuages, Buildings, 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 said Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, (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 may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

If not exceed-  
ing 20l.

XVII. 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 in 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 Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses or their Successors, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and

and for the Use and Benefit of such Person or Persons so entitled respectively as aforesaid.

XVIII. 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 Messuages, Buildings, 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 Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, 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 Messuages, Buildings, Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or 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 said Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties or the unknown Persons (as the Case may be) interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments, subject to the Order, Controul, and Disposition of the said Court of Exchequer; 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 said Bank as aforesaid.

In case Titles not made out, or Persons cannot be found, &c. Money to be paid into the Bank of *England*.

XIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Buildings, 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 Messuages, Buildings, 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

Persons in Possession of Premises to be deemed presumptively entitled to Money.

[Local.]

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deemed

deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer, 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 Body or Bodies, Person or Persons, was or were lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Exchequer may Order reasonable Expences of Purchases to be paid by the Trustees and Corporation.

XX. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Messuages, Buildings, 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 Messuages, Buildings, 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 said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, out of the Money arising by virtue of this Act, and they shall from Time to Time respectively pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Power to sell Premises not wanted for the Purposes of this Act.

XXI. And whereas some Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes of this Act, may happen to be more than will be necessary or wanted for such Purposes; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, and they are hereby authorized and empowered to sell and dispose of and convey, or cause to be sold or disposed of and conveyed, such Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be vested in the said Trustees, their Heirs and Assigns, and the said Mayor and Burgesses and their Successors, by virtue or in pursuance of this Act, to any Person or Persons willing to contract or agree for or purchase the same, and the Money arising therefrom shall be paid and applied for the Purposes of this Act; but the Purchaser or Purchasers of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, shall not, after paying his, her, or their Purchase Money or Purchase Monies, be liable to see to the Application thereof, or be in anywise answerable for the Misapplication or Non-application thereof, or of any Part thereof.

Persons from whom Lands have been purchased to have First Offer.

XXII. Provided always, and be it further enacted, That the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, before they shall sell and dispose of any such Messuages, Buildings, Lands, Tenements, or Hereditaments,

ditaments, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such Messuages, Buildings, Lands, Tenements, or Hereditaments; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, then and in every such Case an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one or more of His Majesty's Justices of the Peace for the Liberty of *Tiverton* aforesaid, by some Person or Persons no way interested in the said Messuages, Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be taken and used by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Piece or Pieces of Ground as aforesaid, shall be applied by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land for the said Market Places.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, their Executors, Administrators, and Assigns, and for the said Mayor and Burgesses and their Successors, to take down or alter all or any of the Messuages, Buildings, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act as herein-before mentioned, or any Part or Parts thereof respectively, and to appropriate all or any of the Ground or Sites thereof respectively, and also all or any of the Land or Ground so to be purchased as aforesaid, for all or any of the Purposes of this Act, and to make, erect, and build thereon a new Market for supplying the Inhabitants of the said Town and Parish with Meat, Fish, Poultry, Vegetables, Fruit, and other Provisions, and for buying and selling of Goods, Wares, and Merchandize, with all necessary and proper Buildings, Stalls, Standings, Shambles, and other Conveniences for the Sale

Power to  
erect a new  
Market, &c.

To lay down  
Pipes for con-  
veying Wa-  
ter, and to  
make Sewers.

Sale of all the Articles aforesaid which shall be brought there to be sold or disposed of, and for the Accommodation of the Public, and all Persons attending or resorting to the same Market, and also to make commodious Avenues leading to the same Market, which new Market Place, and all Avenues to be made to the same, shall be kept inclosed by sufficient Walls and Gateways of ample Height to preserve the same, and also with the Concurrence of the Commissioners acting in the Execution of the several Acts for paving, lighting, and otherwise improving the said Town, to lay down all needful Pipes for the conveying of Water from a certain Lake called *The Town Lake*, running through the Streets of the said Town, into the said Market for the necessary Supply of the said Market, and also for making all necessary Sewers and Drains from the said Market through or under any of the Streets of the said Town; and also to do and perform all such other Acts, Matters, and Things necessary for the making, preserving, maintaining, and using the said new Market Place, Buildings, Erections, and Things, according to the true Intent and Meaning of this Act.

Power to  
hold Mar-  
ket in new  
Market Place  
and to take  
Tolls.

XXIV. And be it further enacted, That from and after the said new Market Place shall have been built as aforesaid, and opened for public Use as a Market, and also from and after a new Cattle Market shall have been appropriated and set apart and opened for public Use as a Market as herein-after mentioned, and Notice thereof given as herein-after mentioned, it shall and may be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, to have, hold, and keep the said Markets thenceforth for and during all their respective Rights, Estates, and Interests therein, upon the several Days following; (that is to say), the Market for supplying the Inhabitants of the said Town and Parish with Meat, Fish, Poultry, Vegetables, Fruit, and other Provisions, and for buying and selling of Goods, Wares, and Merchandize, on *Tuesday* and *Saturday* in every Week, and the Market for the buying and selling of Live Cattle, Beasts, Sheep, and Swine, on *Tuesday* in every Week; and also by themselves or their Collectors, Farmers, Officers, or Servants, to ask, demand, recover, receive, and take, of and from all and every Person and Persons exposing or offering for Sale or selling any Provisions, Goods, Wares, or Merchandize aforesaid, or any Live Cattle, Beasts, Sheep, or Swine in the Markets aforesaid, or who shall rent, use, or hire any Stall or Standing Place in the said Markets, the several Tolls, Stallage, Rents, or Sum or Sums of Money, which shall at any Time or from Time to Time be fixed and appointed, as to Seven Parts in Eight of the same, by the said Trustees, their Executors, Administrators, or Assigns, and as to One other Part in Eight of the same, by the said Mayor and Burgesses, or their Successors, to be paid for the same, according to but not exceeding the several Rents, Tolls, Duties, Stallage, or Sum or Sums of Money mentioned and specified in the Second Schedule to this Act annexed; any Charter, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Discon-  
tinuance of  
the present  
Market.

XXV. And be it further enacted, That from and after the said new Market Place shall be built and ready to be opened for public Use as a Market, and Notice thereof given as herein-after mentioned, the Market for supplying the said Inhabitants with Meat, Fish, Poultry, Vegetables,  
Fruit,



Fruit, and other Provisions, and for buying and selling of Goods, Wares, and Merchandize, now held in the said Streets called *Fore Street, Gold Street, and Bampton Street*, and on *Angel Hill* aforesaid, or in any other Street or Streets, Place or Places within the said Town, shall, from the Expiration of One Calendar Month from the Time of giving such Notice, be removed to and holden in the same new Market Place; 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 Town, except in the said new Market Place, any Meat, Fish, Poultry, Vegetables, Fruit, or other Provisions, or any Goods, Wares, or Merchandize, 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 Liberty of the said Town and Parish, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after mentioned; 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, or any Goods, Wares, or Merchandize whatsoever, in his or her own private Dwelling House, or in his or her own Shop or Premises, in any Part of the said Town, in such Manner as they may now lawfully do: Provided always, that nothing herein contained shall extend or be construed to extend to prevent or restrain any Person or Persons, on *Monday, Wednesday, Thursday, and Friday* in every Week, from crying or selling their Fish, Vegetables, or other Articles, within or through the said Town, or from selling the same from Door to Door within the said Town.

Penalty on Persons exposing to sale other than in the new Market.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, and they are hereby authorized to appropriate and set apart such Portion as they shall think proper of the Lands so intended to be purchased as aforesaid, and which are mentioned in the said First Schedule to this Act annexed, as and for a public Market Place for exposing to Sale and selling therein Live Cattle, Beasts, Sheep, or Swine, and to fence and inclose the same with proper and sufficient Fences, and Gateways and Entrances into and from the same, in such Manner as the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, shall think expedient; and also to make and erect proper and sufficient Pens and other Accommodations for the Cattle, Beasts, Sheep, and Swine, which may be exposed to Sale in the said Market Place; and to appropriate certain and particular Portions of the said Lands so appropriated and set apart and provided as aforesaid, and also certain and particular Pens and Places for exposing to Sale the different Sorts of Cattle, Beasts, Sheep, and Swine therein; and from Time to Time to vary and alter the Form and Situation, and diminish the Extent of the said Market Place and Pens, as the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, shall think expedient.

To provide new Cattle Market.

XXVII. And be it further enacted, That from and after the said new Cattle Market shall be appropriated, set apart, and ready to be opened for public Use as a Market, and Notice thereof given as herein-after mentioned,

Discontinuance of the present Cattle Market.

[Local.]

tioned, the said Market for the Sale of Cattle and Beasts now held in the said Streets called *Newport Street* and *Peter Street*, and the said Market for the Sale of Sheep now held on the said Plot of Ground adjoining or near *Newport Street* aforesaid, or in any Street or Streets, Place or Places, within the said Town, shall, from the Expiration of One Calendar Month after the Time of giving such Notice, be removed to and holden in the same new Cattle Market; and if any Person or Persons shall thereafter on any succeeding Market Days, or on any other Days, sell or expose to Sale, within the said Town, except in the said new Cattle Market, any Live Cattle, Beasts, Sheep, or Swine, 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 Liberty of the said Town and Parish, forfeit and pay any Sum not exceeding Forty Shillings, to be received, recovered, and applied as herein-after mentioned: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Person or Persons from selling or exposing to sale any Live Cattle or Beasts, Sheep, or Swine, in his or her own Premises, in such Manner as they may now lawfully do.

Tolls of  
Cattle Mar-  
ket when to  
be paid, and  
how to be  
recovered.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, 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, Beasts, Sheep, or Swine, shall be exposed to sale in the said new Cattle Market, and for their Removal after Sale; and all the Tolls of the said Cattle Market shall become and be due when and as soon as the several Cattle, Beasts, Sheep, or Swine in respect whereof the same are by this Act respectively made payable, shall be driven, brought into, or enter the said Market Place; and in case of any Sale thereof in the said Market, and the Cattle, Beasts, Sheep, or Swine, shall not be removed within the Time appointed for the Removal thereof after Sale, then another Toll shall become due for such Cattle, Beasts, Sheep, or Swine, immediately after the Expiration of the Time allowed for the Removal of the same after the Sale thereof, and shall be forthwith paid to the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, or to their Collector, Farmer, Officer, or Servant authorized to receive the said several Tolls, by the several Owner or Owners of the said Cattle, Beasts, Sheep, or Swine, in respect whereof the same shall be respectively payable, or by the Person or Persons accompanying such Cattle, Beasts, Sheep, or Swine; 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, neglect or refuse to make Payment of the said several Tolls aforesaid, 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 Assistants, to detain, seize, and distrain the Cattle or Beasts, Sheep or Swine, in respect whereof such Tolls shall become due and payable, or any of them, or any of the Goods or Chattels of the Owner or Owners, or such other Person or Persons so neglecting or refusing to pay the same as aforesaid, and if such Tolls, and the reasonable Charges of such Detention and Distress, and of the keeping and maintaining the Things distrained, shall not be paid, such  
Collector,

Collector, Farmer, or other Person authorized as aforesaid, shall and may, at the Expiration of Four Days thereafter, sell and dispose of the said Cattle, Beasts, Sheep, or Swine, or other Goods or Chattels so 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, paying and returning the Overplus (if any) of the said Monies, and such of the said Things distrained as shall remain unsold, if any such 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 Market for Meat, Fish, Poultry, Vegetables, Fruit, and other Provisions, Goods, Wares, and Merchandize, and the said Market for Live Cattle and Beasts, Sheep and Swine, shall have been so respectively built, appropriated, and set apart, and opened for public Use as aforesaid, and the Space of One Calendar Month after Notice to be respectively given thereof, as herein-after mentioned, shall have expired, nothing herein contained shall prevent or hinder, or be construed to prevent or hinder, the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, from holding the several Markets aforesaid, in the same Streets and Places, and at the same Times as such Markets respectively are now holden, nor from taking such and the same Tolls for or in respect of any Meat, Fish, Poultry, Vegetables, Fruit, and other Provisions, Goods, Wares, and Merchandize, and Live Cattle, Beasts, Sheep, or Swine, to be sold therein, or brought thereto respectively, as they have heretofore been accustomed to receive and take.

Markets to be held in the Streets until new Markets made.

XXIX. And be it further enacted, That when the said new Market Place for the Sale of Provisions, Goods, Wares, and Merchandize, and the said new Market Place for the Sale of Live Cattle and Beasts, Sheep or Swine, or either of the said Market Places, shall be built, appropriated, and set apart, and ready to be opened for public Use as aforesaid, the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, shall and they are hereby required, by a printed Handbill or Advertisement, signed by the Clerk for the Time being acting in pursuance of this Act, to be circulated in the said Town and Parish of *Tiverton*, and the Neighbourhood thereof, to give One Calendar Month's Notice of such Market Places, or either of them, having been so built, appropriated, and set apart, and ready to be opened for public Use, previous to the Day on which such Market Places, or either of them, shall be opened for public Use.

Notice to be given when new Markets ready to be opened.

XXX. And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, or dress, or cause to be killed, slaughtered, singed, scalded, or dressed, any Beast, Swine, Calf, Sheep, or other Cattle in any Stall, Standing, or other Place in the said Markets, or shall wilfully, carelessly, or negligently injure, deface, or spoil any Part of the said Stalls or Standings, or the Roofs, Walls, Columns, Steps, or Pavements belonging thereto respectively, or any Part thereof whatsoever, or if any Person or Persons shall cause, do, or commit any other Kind of Obstruction, Annoyance, or Nuisance, Damage, Injury, or Spoil in any Part of the said Markets, or upon any of the Stalls, Standings, Erections, or

For preventing Nuisances in the Markets.

or Buildings therein, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, and shall, over and above such Penalty, pay such Sum or Sums of Money as the Justice or Justices for the said Town and Parish before whom the Complaint of any such Act or Offence as aforesaid shall be heard shall think reasonable, by way of Satisfaction for any Damage done by such Offender or Offenders.

Inspectors authorized to seize and destroy all unwholesome Meat, &c.

XXXI. And be it further enacted, That the Person or Persons appointed or to be appointed as Inspector or Inspectors of Provisions in the said Provision Market, shall and may and is and are hereby authorized and required to seize and publicly to destroy all unwholesome Meat, Fish, or other Provisions which shall be offered or exposed to sale in the said Market.

No Shops to be opened in Avenues.

XXXII. And be it further enacted, That it shall not be lawful for the said Trustees, their Executors, Administrators, or Assigns, or the said Mayor and Burgesses, or their Successors, to use, open, or erect, or cause to be used, opened, or erected, in any of the Avenues which shall be made leading into or from the said Market Places, any Window, Door, or other Aperture, or any Shop, Shed, Stall, or other Building or Place whatsoever, for the Purpose of selling or exposing to sale any kind of Goods, Wares, or Merchandize.

No Goods to be sold by Auction in the Streets.

XXXIII. Provided always, and be it further enacted, That no Person or Persons shall sell or cause to be sold, by Auction or Outcry, any Goods, Articles, or Things whatsoever in the public Streets of the said Town.

No manufactured Goods to be sold in the Market Places, except on Market Days.

XXXIV. And be it further enacted, That no Person or Persons shall, except on the said Market Days, or any Fair Day, sell, offer, or expose for Sale in the said Market Places any manufactured Goods, Wares, or Merchandize whatsoever; and if any Person or Persons shall, except as aforesaid, so sell, offer, or expose for Sale any such Goods, Wares, or Merchandize, such Person or Persons shall forfeit and pay any Sum not exceeding Ten Pounds for every Day he, she, or they shall sell, offer, or expose the same for Sale as aforesaid.

Power to erect and appoint public Weighing House, &c.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, to erect and appoint a public Weighing House or Place in or near the said Provision Market, for the weighing and measuring such Meat, Provisions, or other Articles aforesaid as shall be bought or sold by Weight or Measure in the said Market, in case the Buyers or Sellers thereof shall desire the same; and they the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall and they are hereby required to have and keep proper and sufficient Weights, Scales, and Measures (according to the respective Standard Weights and Measures in the Exchequer at *Westminster*) at the said Weighing House or Place, and to appoint some proper Person or Persons to attend the same on every Market Day, at such Time or Times as in the Rules, Orders, or Bye Laws to be made by virtue of this Act shall from Time to Time be directed; and all and every Person and Persons

selling

selling Meat, or other Provisions or Things, by Weight or Measure in the said Market, shall weigh and measure the same in or by the said Weights, Measures, or Scales as aforesaid, if required so to do by the Buyer or Buyers thereof; and in order to defray the Expences of providing the said Weights, Scales, and Measures as aforesaid, and a proper Person or Persons to attend the same as aforesaid, there shall be paid by the Buyer or Buyers of such Meat, or other Provisions or Things, to the Person or Persons appointed to receive the same as aforesaid, the several Tolls or Sum or Sums of Money mentioned in respect of the said Weighing House as are specified in the Second Schedule to this Act annexed.

XXXVI. And be it further enacted, That if any Seller of any Meat, Fish, or other Provisions in the said Market shall refuse or neglect to weigh or measure any Meat, Fish, or other Provisions by and with the public Scales, Weights, and Measures as aforesaid, upon being required so to do by the Buyer or Buyers thereof; or if the Buyer or Buyers of any Meat, Fish, or other Provisions which shall be so weighed or measured as aforesaid, shall refuse or neglect to pay the Tolls for the same respectively at the Rate mentioned in the Second Schedule to this Act annexed, the Person or Persons in either Case so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect any Sum not exceeding Ten Shillings; and the said Tolls, Sums of Money, and Penalties shall and may be recovered by Distress and Sale of the said Meat, Fish, or other Provisions of the Person or Persons so refusing or neglecting to weigh and measure the same, or of the Goods and Chattels of such Person or Persons so refusing or neglecting as aforesaid, in like Manner as is herein-after directed concerning the Recovery of Tolls to be paid in respect of the said Markets: Provided always, that no Toll shall be demanded or taken from any Person or Persons, being an Inhabitant or Inhabitants of the Town or Parish of *Tiverton* aforesaid, for weighing or measuring any Meat, Fish, or other Provision which shall be so weighed or measured as aforesaid.

Penalty on Sellers refusing to weigh, &c. and on Buyers refusing to pay Tolls.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, and they are hereby authorized and empowered, to let any of the Stalls, Standing Places, Shambles, or other Conveniences to be erected, built, made, or set up by them the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, within the said Market Places, to any Person or Persons who shall or may be willing or desirous to take the same, for a Year, or any longer or shorter Period, the Rent for the same to be payable in advance, provided the Rent and Tolls to be taken for the same shall not in any Case exceed the Sum specified in the said Second Schedule to this Act annexed.

Power to let Stalls, &c.

XXXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, at any Time or Times or from Time to Time, to demise and let the said Market Places,

Power to lease Market Places, Tolls, &c.

[*Local.*]

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or

or either of them, and the Rents, Tolls, Stallage, Duties, Sum or Sums of Money to be collected or to arise from or in respect of the said Markets, or either of them, by virtue of this Act, to any Person or Persons who shall be willing to take and farm the same respectively, by public Auction or private Contract, for a Year, or any longer or shorter Period, upon such Terms and Conditions, at such Rent or Rents, and with such Securities for the Payment of the same, as shall be agreed upon and settled by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors respectively, and the Person or Persons respectively to whom such Letting or Lettings shall be made.

Remedies in  
case of Non-  
payment of  
Rent, &c.

XXXIX. And be it further enacted, That in case the said Market Places, and the Rents, Tolls, Stallage, Duties, Sum or Sums of Money to be collected or to arise from or in respect of the said Markets, or any Part thereof, by virtue of this Act, shall be demised or let to farm, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement for the demising or letting thereof, then and in either of the said Cases the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, or the Clerk or Treasurer to be appointed in pursuance of this Act, or any other Person or Persons duly authorized by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, at a Meeting, shall be at liberty and they are hereby authorized to enter upon and take Possession of the said Market Places and every Part thereof, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the said Market Places, Rents, Tolls, Stallage, Duties, Sum and Sums of Money to be collected or to arise as aforesaid, from the Possession thereof, and from the Collection of such Rents, Tolls, Stallage, Duties, Sum and Sums of Money; and that thereupon it shall be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, if they shall think fit, and shall give Notice in Writing of such their Intention, by or under the Hand of the Clerk or Treasurer for the Time being acting under this Act, to such Lessee or Lessees, Farmer or Farmers, to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Markets, Rents, Tolls, Stallage, Duties, Sum and Sums of Money, to such Lessee or Lessees, Farmer or Farmers, and then and from thenceforth the same Lease, Contract, or Agreement shall be utterly void to all Intents and Purposes, save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Covenants or Agreements on the Lessee's Part, as if such Demise, Contract, or Agreement had never been made; and it shall be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, in every such Case, again to demise or let to farm the said Market Places, Rents, Tolls, Stallage, Duties, Sum or Sums of Money, to any other Person or Persons, or to

cause them to be collected, as if no former Demise, Contract, or Agreement had been made relating thereto.

XL. And be it further enacted, That in case any Person or Persons renting, holding, or using, or in any manner occupying any of the said Buildings, Stalls, Standings, Shambles, or other Conveniences in the said Market Places, or who shall bring or place, or expose or offer for Sale in the said Provision Market, any Provisions, Goods, Wares, or Merchandizes whatsoever, for or in respect of which any Rents, Tolls, Stallage, or Duties may be demanded or taken thereon, shall, upon Demand thereof made by the Collector, Farmer, or other Person or Persons authorized to receive the said Rents, Tolls, Stallage, or Duties, neglect or refuse to pay, or shall wilfully evade the Payment of the said Rents, Tolls, Stallage, or Duties due in respect thereof by virtue of this Act, or in case any Dispute shall happen about the Amount of the Rents, Tolls, Stallage, or Duties due, it shall and may be lawful to and for the said Collector, Farmer, or other Person or Persons authorized and appointed to collect and receive the said Rents, Tolls, Stallage, and Duties, either by himself or his Assistants, to seize and detain such Article, Matter, or Thing, until the Amount of the Rents, Tolls, Stallage, and Duties due, and the Charges of keeping such Article, Matter, or Thing, shall be ascertained by One or more Justice or Justices of the Peace for the Liberty of the said Town and Parish, who, upon Application made to him or them for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses (which Oath such Justice or Justices is and are hereby authorized to administer), and shall determine the Amount of the Rents, Tolls, Stallage, and Duties due, and the Charges of keeping the same, and shall award such Costs and Charges to either Party as to the said Justice or Justices shall appear right and proper; all which Rents, Tolls, Stallage, and Duties, 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 or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making and keeping such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Recovery of  
Tolls by Dis-  
tress, in case  
of Nonpay-  
ment.

XLI. And be it further enacted, That if the several Persons, or any of them, who have subscribed or agreed to subscribe, or who shall hereafter subscribe or agree to subscribe, any Sum or Sums of Money towards the Expences of passing and executing this Act, shall, after Twenty Days previous Notice in Writing under the Hands of the Treasurer or Clerk for the Time being, to be appointed in pursuance of this Act, to them, him, or her given, or left at their, his, or her Dwelling House or Houses, or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by them, him, or her so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, to bring or cause to be brought in any of His Majesty's Courts of Record at *Westminster*, an Action of Debt or on the Case, or to

For recover-  
ing Subscrip-  
tions.

to institute or file and proceed in any Suit, Bill, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed, against any Person or Persons so refusing or neglecting as aforesaid, or their, his, or her Heirs, Executors, or Administrators, and on Proof of such Person or Persons having so subscribed or agreed to subscribe such respective Sums or Sum, and of such Notice as aforesaid, such respective Sums or Sum so subscribed or agreed to be subscribed, or so much thereof as shall be required in such Notice to be paid, shall be recovered with full Costs of Suit.

First Meeting of Trustees and Corporation.

XLII. And be it further enacted, That the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, shall meet together at the Guildhall in the said Town of *Tiverton*, upon the Fourth *Wednesday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall there and then proceed to the Execution of this Act, and may then and from Time to Time afterwards adjourn themselves, and hold their future Meetings at the same or at such other Place within the said Town, at such Time or Times as the Persons present at such Meetings shall think proper; and if at any of the said Meetings the Persons there present shall omit or neglect to adjourn such Meeting to another Day, or if there shall not appear a sufficient Number of Persons to act and adjourn, then and in every such Case every such Meeting or intended Meeting shall be and is hereby adjourned to that Day Fortnight, and shall be holden at the Place and Time where and when the former Meeting was to have been holden, and so from Time to Time until a sufficient Number of Persons shall meet and adjourn; and the Persons present at all such Meetings shall defray their own Expences.

Meetings on Emergencies.

XLIII. And be it further enacted, That if after any Adjournment aforesaid of the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, it shall be thought necessary that they should meet at an earlier Day than the Day appointed by such Adjournment, in that Case the Clerk for the Time being to be appointed in pursuance of this Act, upon an Order in Writing signed by any Three of the Persons empowered to carry this Act into Execution as herein-after mentioned (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice in the Manner herein-after mentioned of the Time, Place, and Purpose of such Meeting as mentioned in such Order, (such Time not being less than Three Days after such Notice), and such earlier Meeting shall or may be held accordingly, and the Proceedings at all such Meetings as aforesaid shall be as good, valid, and effectual as they would have been in case such Meetings had been held in pursuance of any Adjournment.

Meetings by whom to be held.

XLIV. And be it further enacted, That for the better and more effectually carrying into Execution the several Powers and Provisions contained in this Act, it shall be lawful for any Five Persons, formed or composed of the said Trustees, their Executors, Administrators, and Assigns, or of any Two or greater Number of the said Trustees, their Executors, Administrators, and Assigns, with any Three or less Number of the Capital Burgesses



Burgesses or Assistants of the Town and Parish of *Tiverton* aforesaid for the Time being; or of any Five of the Persons or Creditors to be appointed to attend Meetings and vote, as herein-after mentioned, or of any of the said Trustees, their Executors, Administrators, and Assigns; with any of the said Three Capital Burgesses or Assistants for the Time being, and with any of the said Creditors, or of any of the said Three Capital Burgesses or Assistants for the Time being, with any of the said Creditors, or of any of the said Trustees, their Executors, Administrators, and Assigns, with any of the said Creditors, to hold Meetings and to do and perform all Acts, Matters, and Things authorized and directed to be done and performed by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, by virtue of this Act; except nevertheless that it shall not be lawful for the said Creditors, at any of the said Meetings, to vote for the Appointment of any Officer or Officers to be appointed in pursuance of this Act.

XLV. And be it further enacted, That in all Cases where public Notice is by this Act directed to be given, the same shall be printed or written, and affixed on the Door of the Guildhall and of the Parish Church in *Tiverton* aforesaid, Seven Days at the least previous to the Day of holding the Meeting, or doing or transacting any Business relative to which the Notice shall be given.

Public Notice of Meetings to be given.

XLVI. And be it further enacted, That the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall meet on the last *Wednesday* in the Month of *January* in every Year, at the Guildhall in the said Town of *Tiverton*, or such other Place or Places in the said Town as they shall think proper; which shall be called a General Meeting of the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors; and at all such General Meetings the Accounts of all Monies received and paid from Time to Time by virtue and in execution of this Act, by any Person or Persons whomsoever, shall be produced, stated, examined, and settled.

Annual Meeting for settling Accounts.

XLVII. And be it further enacted, That at every Meeting of the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, the Majority of the Persons present at such Meeting shall, by Ballot or otherwise, elect a Chairman, and all Questions proposed at every such Meeting shall be determined by a Majority of the Persons present at such Meeting, and in case of an equal Number of Voices upon any Question, including the Voice of the Chairman, such Chairman shall have the Casting Voice.

At Meetings of Trustees a Chairman to be appointed.

XLVIII. And be it further enacted, That all Orders, Determinations, and Proceedings of the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall be made at Meetings to be held in pursuance of this Act, and not otherwise, and shall be entered in a Book or Books to be kept for that Purpose; and no Order or Determination shall be made unless the major

Orders of Trustees and Corporation to be made at Meetings, and entered in a Book.

Books to be Evidence.

Part of the Persons present at any Meeting shall concur therein, except in the case of an equal Division, in which the Chairman is to have the casting Voice as aforesaid; and such Orders and Proceedings, so entered and signed by any Five of the Persons present at such Meeting, or by the Clerk for the Time being, acting in pursuance of this Act by their Order, shall be deemed to be original Orders and Proceedings; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Memorandums of Transfers of Tolls, and true examined Copies thereof, signed by the said Clerk, shall and may respectively be read in Evidence in Cases of Appeal, and in all Suits or Actions touching any thing done or to be done in pursuance of this Act.

Orders how to be revoked.

XLIX. Provided always, and be it further enacted, That no Order or Resolution by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, made and signed as aforesaid, shall afterwards be revoked or altered at any subsequent Meeting of the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, unless Notice in Writing, signed by any Five Persons for the Time being empowered to carry this Act into execution, be left at the last Places of Abode, within the Parish of *Tiverton* aforesaid, of the Persons who may make such Order or Resolution, of the Intention to revoke or alter the same at any subsequent Meeting.

Trustees and Corporators being Justices may act as such, and Mortgagees may act as Trustees.

L. And be it further enacted, That all such of the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that no Person possessed of or entitled to any Mortgage or other Security upon the Tolls granted by this Act, shall on such Account only be disqualified from acting as a Trustee.

Creditors to be present at Meetings, &c.

LI. And be it further enacted, That it shall and may be lawful to and for any of the Persons, not exceeding Nine in Number (not being Trustees of the said Seven Parts in Eight of the said Markets, nor any of the Capital Burgesses or Assistants of the Town and Parish of *Tiverton* aforesaid), who shall for the Time being be Creditors upon the Rents, Tolls, Duties, and Stallage by this Act authorized to be levied (such Persons to be yearly from Time to Time appointed, by Lot or otherwise, by the said Creditors from amongst themselves, and to be resident in the Town or Parish of *Tiverton* aforesaid) during so long Time only as any Monies to be borrowed by virtue of this Act shall be due and owing, to attend and be present at all and every Meetings and Meeting to be holden for the Purpose of carrying this Act into execution (except for appointing any Officer or Officers to be appointed in pursuance of this Act); and that it shall and may be lawful for such Creditors to vote on all Questions that may arise relating to carrying this Act into execution (except as aforesaid); at which Meetings or Meeting any of the said Capital Burgesses or Assistants for the Time being, not exceeding Three in Number, not being Trustees of the said Seven Parts in Eight of the

said Markets, shall together with the said Trustees and Creditors have full Power to vote.

LII. And be it further enacted, That it shall be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, at their first or any subsequent Meeting, as Occasion shall require, to appoint a Clerk, Treasurer, Inspector or Collector, and also appoint and employ such other Officers and Persons as the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall think necessary for the Purposes of this Act, and from Time to Time to take sufficient Security from every such Treasurer and Collector, or from any other Officer to be appointed under or by virtue of this Act, for the due Execution of their respective Offices, and for the Payment of the Money received by them, and for the delivering up all Books, Deeds, Papers, and other Things which shall come into their Hands by virtue of this Act; and the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, may from Time to Time remove and displace any such Officers and Persons as they shall see Occasion, and elect and appoint others in the Room of such of them as shall be removed or die, Seven Days public Notice of the Time and Place of Meeting for the Purpose of every such Appointment or Removal being given as herein-before mentioned; and the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, may, out of the Monies which shall arise by virtue of this Act, allow and pay to every such Clerk, Inspector, Collector, and other Officer and Person to be employed as aforesaid, such Salary and Allowance for his Attendance, Care, and Service, as to the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall seem reasonable.

For Appointment of Officers.

Treasurer, &c. to give Security.

LIII. And be it further enacted, That every such Clerk, Treasurer, Collector, or other Person, who shall have paid or received any of the Monies to be paid, raised, collected, or received for the Purposes or by virtue of this Act, shall from Time to Time, and as often as thereto required by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, render and give to them full, true, and fair Accounts in Writing of all the Monies which shall have been by him paid, collected, or received, and how and to and from whom, and for what Purpose, such Monies and every Part thereof, shall have been paid or received, together with the proper Receipts and Vouchers for such Payments, and shall pay all such Monies as upon the Balance of such Accounts shall appear to be in his Hands to the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, or to such Person and at such Time as they shall direct or appoint; and if any such Officer or Person shall refuse or wilfully neglect to render or give up such Accounts as aforesaid, or to produce or deliver up to the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses or their Successors, the Receipts and Vouchers relating to the same, or shall refuse or neglect to pay all such Money as upon the

Officers to account.

Balance

Balance of any such Account shall appear to be in his Hands, to such Person as the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, shall direct or appoint; then and in any of the Cases aforesaid, the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, are hereby authorized and empowered to cause to be brought an Action against the Officer or Person who shall neglect or refuse as aforesaid; or if Complaint shall be made by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, or by any Person or Persons on their behalf, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the said Liberty of the Town and Parish of *Tiverton* aforesaid, such Justice may and is hereby empowered to summon the Officer or Person so refusing or neglecting to appear before him at a Time and Place in such Summons to be mentioned; and upon his appearing or not appearing (the Service of such Summons being proved by the Oath of any credible Witness, which Oath such Justice is hereby empowered to administer), to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Accounts, if produced, in such Manner as the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, and such Officer or other Person might have done; and if, upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected or received by virtue or for the Purposes of this Act shall be in the Hands of such Officer or Person, such Justice is hereby authorized, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels of such Officer or Person cannot be found to answer and satisfy the said Money, and the Charges of levying and raising the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place by him appointed in such Summons, or if appearing shall refuse or neglect to deliver to the said Justice such Account of the Receipts and Payments as aforesaid, or to produce or deliver up to the said Justice the several Receipts and Vouchers relating to such Accounts, then and in any of the Cases aforesaid the said Justice is hereby authorized, by Warrant under his Hand and Seal, to cause such Officer or Person to be committed to the Common Gaol or House of Correction of and for the said Liberty, there to remain without Bail or Mainprize, until he shall have delivered and settled his Accounts, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts respectively, and shall have paid all Monies which shall appear to be in his Hands, and the reasonable Charges attending the Recovery thereof, or shall have compounded with the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, for the same, which Composition and Monies the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, are hereby authorized and empowered to make and receive; but no Person or Persons who shall be so committed on account of his not having sufficient

cient Goods or Chattels shall be detained in Prison for any longer Term than Six Calendar Months.

LIV. And be it further enacted, That it shall not be lawful for the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, 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, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be 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, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of 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 One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

LV. And be it further enacted, That the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, may sue and prosecute, and be sued and prosecuted, for and concerning any thing which shall be done by virtue or in pursuance of or contrary to this Act, in the Name of the Treasurer or Clerk for the Time being to be appointed in pursuance of this Act; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, by virtue of this Act, in the Name of the said Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any Treasurer or Clerk, nor by the Act of any such Treasurer or Clerk, without the Consent of the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, at a Meeting held in pursuance of this Act, but that the Treasurer or Clerk for the Time being, to be appointed as aforesaid, shall be deemed to be the Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the Monies to arise by virtue of this

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Act,

Clerk not to be Treasurer, and vice versa.

Trustees and Corporators may sue and be sued in the Name of the Treasurer or Clerk.

Treasurer and Clerk to be indemnified.

Act, all such Costs, Damages, and Expences as, by the Event or in consequence of any such Action or Proceedings, he shall pay, bear, expend, or be put unto, or become chargeable with, for or by reason of his being so made Plaintiff or Defendant as aforesaid.

Books of Accounts to be kept and to be opened for the Inspection of Trustees, Corporators, and Creditors.

LVI. And be it further enacted, That the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by the Clerk for the Time being, to be appointed in pursuance of this Act, 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 Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, or any Creditor or Creditors on the Rents, Tolls, and Duties hereby granted, without Fee or Reward; and the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, and the said Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case any such Clerk shall refuse to permit or shall not permit any of the said Trustees, their Executors, Administrators, or Assigns, or the said Mayor and Burgesses, or their Successors, or any such Creditor, to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after mentioned.

Power to borrow Money upon Mortgage of the Tolls, &c.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, at any Time and from Time to Time hereafter, to borrow and take up at Interest in One or more Sum or Sums, and at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*, such Sum or Sums of Money, not exceeding in the whole the Sum of Ten thousand Pounds, as the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, shall deem necessary for the Purposes of this Act, upon the Credit of the Rents, Tolls, Duties, and Stallage granted or arising under or by virtue of this Act, and upon the said intended new Market Places, and the Buildings, Stalls, Standings, Shambles and Conveniences thereon, and by any Deed or Writing under the Hands and Seals of the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, to assign and mortgage all or any Part of the said Rents, Tolls, Duties, Stallage, and Market Places, Buildings, and Conveniences aforesaid, to such Person or Persons, or Body or Bodies Politic or Corporate, as shall lend or advance the said Money or any Part thereof, or to his, her, or their Trustee or Trustees, as a Security or Securities for such Sum or Sums of Money so to be advanced, with Interest for the same as aforesaid, in the Form herein-

herein-after mentioned; and the Charges and Expences of such Assignments or Mortgages shall be from Time to Time defrayed by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, out of the Money so borrowed; and every such Assignment or Mortgage may be in the Words or to the Effect following; (that is to say),

WE, [*here insert the Names of Five of the Persons empowered to carry this Act into Execution,*] acting in pursuance of an Act passed in the Sixth 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 \_\_\_\_\_ 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, her, or their Trustee or Trustees, as the Case may be,*] his [*or her or their*] Executors, Administrators, or Assigns, or to the Bearer or Bearers hereof, duly registered in a Book to be kept for that Purpose by the Clerk for the Time being, to be appointed in pursuance of the said Act, such Proportion of the Rents, Tolls, Duties, and Stallage granted or arising by virtue of the said Act, and also of the said Stalls, Standings, Shambles, and other Conveniences erected in and upon the said Market Places, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum or Sums of Money which may at any Time be borrowed or become due and owing or be charged upon the Credit of the said Rents, Tolls, Duties, Stallage, and Premises; to be had and holden from this \_\_\_\_\_ Day of \_\_\_\_\_ until the said Sum of \_\_\_\_\_ together with Interest for the same, at the Rate of \_\_\_\_\_ *per Centum per Annum*, to be paid Half-yearly at *Lady Day* and *Michaelmas Day*, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

Form of Mortgage.

And every Person and Persons, and Body or Bodies Politic or Corporate, to whom such Mortgages or Assignments shall be made, or who shall become and be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rents, Tolls, Duties, Stallage, Hereditaments, and Premises, equally one with another, without Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons, or Body or Bodies, to whom the same shall be made, his, her, or their Executors, Administrators, Successors, and Assigns, to the Payment of the Money thereby secured, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act: Provided always, that nothing herein contained shall extend or be construed to extend to charge or subject any of the Persons empowered to carry this Act into Execution as aforesaid, by reason of their signing or sealing the said Deeds Poll, or any of them; and a Copy of every such Mortgage or Assignment, and when such Mortgage or Assignment shall be delivered from the Person or Bearer to whom the same was first granted to any other Person or Bearer, a Memorandum of the Delivery thereof, containing the Date of the Entry, the

Mortgagees of Tolls to be equally entitled without any Preference.

Persons by signing Deeds Poll not liable.

Copies of Mortgages and Memorandums of Transfers to be entered in a Book.

the Name of the Bearer or Person producing every such Mortgage or Assignment, and the Sum or Sums of Money thereby secured, shall be entered in a Book to be kept for that Purpose by the Clerk for the Time being to be appointed in pursuance of this Act, and any Person interested shall and may at all convenient Times in the Day have free Access and Liberty to inspect the said Book without Fee or Reward, but for entering every Copy of such Mortgage or Assignment such Clerk shall be paid the Sum of Two Shillings and Sixpence and no more, out of the Rents, Tolls, Duties, and Stallage by this Act authorized to be levied, and for entering of every such Memorandum as aforesaid such Clerk shall be paid the Sum of Two Shillings and Sixpence and no more, by the Person or Persons desiring such Memorandum to be made; and after every such Memorandum shall be entered as aforesaid, the Person or Persons in whose Name the same shall be entered as aforesaid, and his, her, or their Executors, Administrators, and Assigns, shall be entitled to the full Benefit of such Mortgage or Assignment, without any other Transfer, Assignment, Enrolment, or Registry thereof, and the same may in like Manner be transferred *toties quoties*, and shall also be entitled to any other Benefit or Advantage which Creditors on the Rents, Tolls, Duties, and Stallage by this Act authorized to be levied are under and by virtue of this Act entitled unto.

Treasurer to  
apply  
Monies.

LVIII. And be it further enacted, That all Monies which shall be raised by virtue of this Act, and all Monies which shall be received from the Rents, Tolls, Duties, and Stallage authorized to be levied by this Act, or from the letting thereof, shall from Time to Time be paid by the Collectors, Receivers, or other Persons, to the Treasurer or Treasurers appointed as aforesaid, who shall pay and apply the same in the Order and Manner herein-after mentioned, and in no other Order or Manner whatsoever; that is to say, in the first Place, pay all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest from the Time of advancing, paying, or disbursing the same, and in the next Place pay all Costs, Charges, and Expences attending the purchasing Lands and the carrying of this Act into Execution, and all Allowances to the several Officers appointed as aforesaid, and the Costs, Charges, and Expences of maintaining and keeping in repair the said Market Places, and the several Buildings and Avenues directed to be erected and made for the Purposes of this Act; in the next Place, yearly and every Year, pay the Sum of Two hundred and eighteen Pounds Fifteen Shillings, or such Sum as shall remain after making the Payments aforesaid, to the said Trustees, their Executors, Administrators, and Assigns, without any Deduction or Abatement whatsoever out of the same for Taxes, or on any other Account (which said Sum of Two hundred and eighteen Pounds Fifteen Shillings is the Amount of Seven Parts in Eight of the clear annual Profits of the present Markets); in the next Place, yearly and every Year, pay the Sum of Thirty-one Pounds Five Shillings to the said Mayor and Burgesses and their Successors, without any Deduction or Abatement whatsoever out of the same for Taxes, or on any other Account (which said Sum of Thirty-one Pounds Five Shillings is the Amount of the other One Part in Eight of the clear annual Profits of the said present Markets); in the next Place, yearly and every Year, pay off, in the Manner herein-after men-



tioned, the Sum of Fifty Pounds Principal Money, Part of the Monies authorized to be borrowed by virtue of this Act; in the next Place, from Time to Time, pay and discharge the Interest of all the Monies authorized to be borrowed by this Act; and in the last Place, from Time to Time, pay the annual Balance (if any) of the Monies which shall be received as aforesaid, in further Reduction of the several principal Sums due on the several Mortgage Securities to be made in pursuance of this Act, as herein-after mentioned, (that is to say), when such Balance or Overplus shall amount to the Sum of Fifty Pounds or more, the same shall be applied in paying off and discharging, in the Manner herein-after mentioned, so much of the said Principal Money as the same Sum will amount unto; and when such annual or the remaining Balance will not amount to the Sum of Fifty Pounds, then such annual or remaining Balance, as the Case may be, shall remain in the Hands of the Treasurer for the Time being, to be appointed in pursuance of this Act, until the same, with any other Monies to be applied as herein-before mentioned in paying off the said Principal Money, shall amount to the Sum of Fifty Pounds, and then such Monies shall, so often as the Case shall happen, be applied in paying off and discharging the same Principal Money, in manner herein-after mentioned.

LIX. And be it further enacted, That when the Monies due on any of the said Mortgage Securities shall be intended to be paid off and discharged, the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, shall for that Purpose, at a Meeting, cause the Numbers of all Securities granted and then in force for securing the Principal Monies to be borrowed 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, and the Number or Numbers of the said Securities to the Amount then intended to be paid off shall be drawn separately out of the said Box by such Person as shall be deputed by the Persons present at such Meeting; and after every such Ballot the Persons so present shall cause a Notice, signed by the Clerk for the Time being to be appointed in pursuance of this Act, to be given or left or sent by Post to the last or usual Place or Places of Abode in *England* of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, or if the Place or Places of Abode of such Person or Persons shall not be known or cannot be found, then the said Clerk shall cause an Advertisement, addressed to the Person or Persons who shall be so entitled, to be inserted in one of the Newspapers published in the City of *Exeter*, in Three successive Weeks, which Notice or Advertisement shall state the Intention of the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, to pay him or her as aforesaid, and shall express the Sum to be paid off, together with the Interest due thereon, and the same shall be paid on a Day and at a Place to be specified in such Notice or Advertisement, such Day not being sooner than One Calendar Month next after the Day of giving or leaving such Notice, or inserting the same 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 or Advertisement,

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ment,

ment; and not paid, but the Principal Money in respect whereof such Notice or Advertisement shall be given or inserted, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand.

When Monies paid off, Market Place, &c. to remain vested in, and Rents, &c. to be received by Trustees and Corporation.

LX. And be it further enacted, That when all the Monies directed by this Act to be borrowed shall be paid off and discharged, the said Market Place or Market Places, and the Buildings, Stalls, Standings, Shambles, and other Conveniences to be erected for the Purposes of this Act, and any Lands or Hereditaments to be purchased in pursuance of this Act, shall from thenceforth for ever thereafter remain vested, as to Seven Parts thereof in Eight, in the said Trustees, their Heirs and Assigns, and as to the other One Part thereof in Eight, in the said Mayor and Burgesses and their Successors; and then also all and every Sums and Sum of Money which shall accrue or arise from the Rents, Tolls, Duties, and Stallage authorized to be levied by this Act, or from the letting thereof, shall, as to Seven Parts thereof in Eight, from Time to Time from thenceforth be collected, received, and taken by the said Trustees, their Executors, Administrators, and Assigns, for and during all their Right, Estate, and Interest therein, and shall, as to the other One Part thereof in Eight, from Time to Time from thenceforth for ever thereafter be collected, received, and taken by the said Mayor and Burgesses and their Successors, to be by them respectively held, paid, and applied to and for the same Uses, Trusts, Ends, Intents and Purposes, as the present Income of the said Markets is now payable and applicable.

Power to make Rules and Bye Laws.

LXI. And be it further enacted, That for the better regulating and managing the said new Markets and Market Places when made and established, it shall and may be lawful for the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, and they are hereby authorized from Time to Time to make, provide, constitute, and ordain such Rules, Orders, and Bye Laws as they shall think fit and necessary for the better regulating, cleansing, letting, occupying, and using the said Markets, or any Part or Parts thereof, and also 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 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 Town and Parish, 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 all Provisions and other Things by such Weights and Measures; and for preventing the Sale and exposing to Sale of such Provisions and other Things in the said Markets by false and deceitful Weights or Measures; and also for preventing the Sale of or exposing to Sale any unwholesome Meat, Fish, or other Provisions in such Markets, and likewise for regulating and ordering all other Matters and Things which do or may concern or relate to the said Markets; and the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses 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

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 always, that no pecuniary Penalty shall exceed the Sum of Five Pounds for any one Offence; and the said Rules, Orders, and Bye Laws so to be made as aforesaid shall not extend to take away, diminish, or abridge any of the Rights, Powers, and Privileges which by Law are vested in or belong to the said Mayor and Burgesses of the said Town and Parish of *Tiverton*; and such Rules, Orders, and Bye Laws shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* 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 such Rules, Orders, and Bye Laws 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 Clerk to be appointed in pursuance of this Act, and shall be painted 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, 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.

LXXII. And be it further enacted, That the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses and their Successors, shall and may and are hereby authorized in such Manner as they shall think proper, to sell and dispose of, or cause to be sold and disposed of, the Materials of all such Messuages and Buildings to be so purchased and taken down for the Purposes of this Act, and the Monies to be produced by the Sale thereof (after deducting the Expences of such Sale), or the pulling down such Messuages and Buildings, and also the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, and Hereditaments to be so purchased or taken by virtue of this Act, until the same shall be pulled down and cleared away, shall be applied and disposed of for or towards the Purposes of this Act, and to and for no other Use or Purpose whatsoever.

Power to sell  
Materials of  
Houses, &c.  
purchased.

LXXIII. And be it further enacted, That in all Cases where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be ascertained, determined, and settled by the Justice or Justices of the Peace by or before whom any Offenders shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offenders Goods and Chattels, in manner directed by this Act for levying of any Penalties or Forfeitures.

Damages or  
Charges in  
Cases of Dis-  
pute to be  
settled by  
Justices.

LXXIV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by

Remedies in  
case of Non-  
payment of  
any

Compensa-  
tion for  
Damage, &c.

any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses or their Successors, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the Treasurer for the Time being, acting under the Authority of this Act, to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made upon the said Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors, by virtue of this Act, or of the Goods and Chattels of the said Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damage, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Treasurer for the Time being acting under the Authority of this Act: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Limitation of  
Actions.

LXV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of or contrary to this Act, unless One Calendar Month's Notice thereof shall be first given in Writing to the Clerk for the Time being acting in pursuance of this Act, 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 the 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 or omitted in pursuance of or contrary to this Act shall and may plead the General Issue, and give this Act and the Special Matter in Evidence on any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done or omitted

omitted in pursuance and by Authority of this Act; and if such Matter or Thing shall appear to have been so done or omitted, 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 Clerk for the Time being acting in pursuance of this Act, 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 such Action or Suit be brought in any other County or Place than the County aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, 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.

LXVI. 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 or omitted in pursuance of or contrary to 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 the 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 in Satisfaction of Damages may be paid into Court by Defendant.

LXVII. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice or 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),

Convictions.

Tiverton Liberty } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 in the County of \_\_\_\_\_ } in the Year of our Lord \_\_\_\_\_  
 Devon (to wit.) } is convicted before me [or  
 us] \_\_\_\_\_ of His Majesty's Justices of the Peace for the Liberty  
 of the Town and Parish of *Tiverton* in the County of *Devon*, by virtue  
 of an Act passed in the Sixth Year of the Reign of His Majesty King  
 George the Fourth, intituled *An Act, &c.* [here set forth the Title of  
 [Local.] 46 O this

Form of Conviction.

*' 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.

LXVIII. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall 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 an Action upon the Case.

Fines and  
Penalties  
how to be  
recovered.

LXIX. 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 herein particularly directed), or which shall be inflicted or imposed by any Rule, Order, or Bye Law of the said Trustees, their Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, as aforesaid, shall and may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One or more Justice or Justices of the Peace, on Complaint to him or them for that Purpose exhibited, and afterwards levied, as well as the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and 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 to be 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 and 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 Justice or 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 Justice or 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 Justice or Justices are hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels

Chattels whereon such Penalties, Forfeitures, and Fines can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for the said Justice or Justices, or any other Justices of the Peace for the said Town and Parish, 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 Gaol or House of Correction for the said Liberty of *Tiverton*, 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, One Moiety thereof to the Informer or Person suing for or recovering the same, and the other Moiety thereof to the Treasurer acting in pursuance of this Act, to be applied and disposed of for the Purposes of this Act.

LXX. 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 any Judgment or Determination made or given by virtue, 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 or Quarter Sessions of the Peace to be holden for the said County of *Devon*, within Four 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 Cause and Matter thereof, to the Clerk for the Time being acting in pursuance of this Act, 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 of *Devon*, 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 or 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 or Penalty or Forfeiture, and may order such 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 or Quarter Sessions, shall be binding and conclusive.

Allowing an Appeal.

LXXI. 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.

Proceedings not to be quashed for Want of Form.

LXXII. Pro-

Commissioners for paving the Town not to be obliged to repair Pavements of Market Places.

LXXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to take away, diminish, or affect the Rights, Powers, and Privileges of the Commissioners acting in the Execution of the Acts of Parliament for paving, lighting, and otherwise improving the said Town of *Tiverton*, or to oblige such Commissioners to repair or keep in repair the Pavements of the said new Market Places, but the same shall from Time to Time be paved, cleansed, and repaired by the said Trustees, their Executors, Administrators, and Assigns, and the said Mayor and Burgesses, and their Successors.

Saving Rights to the Corporation to hold Fairs, &c.

LXXIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, diminish, or affect the Right of the said Mayor and Burgesses of the said Town and Parish, or their Successors, to hold any Fair or Fairs, or the Right of the said Mayor and Burgesses of the said Town and Parish, or their Successors, or any of their Officers or Servants, to make, erect, set, or place Booths, Stalls, Benches, Forms, and other Things, during the Time of holding any Fair or Fairs, within any of the Streets or other Places of the said Town, or the Right of the said Mayor and Burgesses of the said Town and Parish, or their Successors, to any Rents, Tolls, Duties, or Profits whatsoever heretofore paid to them for or in respect of any such Fair or Fairs, or of any Booths, Stalls, Benches, Forms, or other Things, to be erected, set, or placed as aforesaid, or any other Right, Liberty, Franchise, Rent, Toll, Duty, Profit, or Privilege whatsoever belonging to the said Mayor and Burgesses of the said Town and Parish, and their Successors, not by this Act in express Terms and in express Words taken away, lessened, or diminished, but that the said Mayor and Burgesses of the said Town and Parish, and their Successors, shall and may continue to 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 do in case this Act had not been made.

Corporation may hold Fairs in Market Places.

LXXIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgesses, and their Successors, and they are hereby authorized and empowered from Time to Time to enter upon, take, and use, on the Day of every Fair now held within the Town of *Tiverton* aforesaid, and on the Day next following the said Fair Day, the said new Market Places, or any Part thereof, and all and every the Stalls, Standings, Shambles, and other Conveniences therein, or any of them, for the Purpose of holding such Parts of the said Fair or Fairs as the said Mayor and Burgesses, or their Successors, shall think proper to remove to the said Market Places, they the said Mayor and Burgesses paying to the Treasurer for the Time being to be appointed in pursuance of this Act, or such other Person or Persons as shall be entitled to receive the same under this Act, for the Use of the said Market Places, Stalls, Standings, Shambles, and other Conveniences on such Fair Day, and the said Day next following, a Rent or Sum at and after the Rate of Five Pounds for every One hundred Pounds received by the said Mayor and Burgesses, and their Successors, for the clear yearly Profits of the said



said Fair or Fairs, and also repairing all wilful Damage that may be done in or to the said Market Places, Stalls, Standings, Shambles, and other Conveniences, by reason of the said Fair or Fairs being held therein as aforesaid.

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, affect, alter, or prejudice the Right of the said Trustees, their Heirs, Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, to hold the Market now held within the said Town for the Sale of Corn, Grain, and Seeds, or to receive and take all the Tolls, Tollage, Customs, Duties, and Payments now taken or received for the same, but that the said Trustees, their Heirs, Executors, Administrators, or Assigns, and the said Mayor and Burgesses, or their Successors, shall and may hold the said Market for the Sale of Corn, Grain, and Seeds, at such Times and Places as they have heretofore been accustomed to hold the same, and take and receive all such Rents, Tolls, Duties, and Profits as they have heretofore been accustomed to take and receive, any thing herein contained to the contrary thereof in anywise notwithstanding.

Saving Rights to the Trustees and Corporation to hold Corn Market.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, affect, alter, or prejudice the Right of any Person or Persons entitled to any legal Privilege, Immunity, or Exemption in the said Markets, but that the said Person or Persons may hold, use, and enjoy such legal Privilege, Immunity, or Exemption in as large and ample a Manner as he or they has or have heretofore been accustomed, any thing herein contained to the contrary thereof in anywise notwithstanding.

Saving Rights to privileged Persons.

LXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, affect, alter, or prejudice the Right of the Person or Persons in whom the same may for the Time being be vested, to the Reversion, Fee Simple, and Inheritance expectant on the Determination of the said several Terms of Three thousand Years therein respectively, of and in Seven Parts in Eight (the whole in Eight Parts to be divided), of the said present Markets, and all Stallage, Pickage, Tolls, Profits, Issues, Rents, Duties, Commodities, Payments, Benefits, and Emoluments thereto belonging, nor to take away, lessen, affect, alter, or prejudice the Right of the said Person or Persons at the Expiration or other sooner Determination of the said several Terms respectively, of holding the said Markets in the said Place or Places where the same have been usually heretofore held, but that all and every such Rights and Interests, Powers, Privileges, Franchises, and Authorities, as the said Person or Persons had in the said Markets immediately previous to the passing this Act, shall remain vested in him and them, his and their Heirs and Assigns, in as full, ample, and beneficial a Manner, to all Intents, Constructions, and Purposes whatsoever, as if this Act had not been made and passed, and the said Markets had continued to be held

Saving Rights to the Owners of the Fee of the Markets.

in the Place or Places where the same are now held, as herein-before mentioned.

Public Act.

**LXXVIII.** 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.

The First SCHEDULE referred to by the foregoing Act.

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The Messuages, Buildings, Lands, Tenements, and Hereditaments required and to be purchased and taken for the Site and Purposes of the new Markets and Market Places.

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Two Messuages or Dwelling Houses, with the Courtlage, Smith's Shop, Shed, Warerooms, Workshops, and Outhouses, and Plot of Garden Ground behind the same, the Property of Henry Dunsford, Esquire, and now in the several Occupations of Thomas Aldred, William Marshall, Richard Tremlett, and James Sellick.

A Plot of Garden Ground, the Property and now in the Occupation of Mr. John Beedell junior.

Two Messuages or Dwelling Houses, with the Outhouses and Appurtenances thereto belonging, the Property of Mr. Henry Marder, and now in the several Occupations of Henry Hayward and Benjamin Ezekiel.

A Messuage or Dwelling House, called the Half Moon Inn, together with the Courtlage, Stables, and Outhouses thereto belonging, and Six Cottages adjoining, and the Plots of Garden Ground behind the same, the Property of Mr. William Richards, and in the several Occupations of George Upton, Thomas Cockram, William Eames, Widow Coombes, Speccott Long, John Fear, and Thomas Dunn.

A Plot of Garden Ground, with Three Stables near the same, behind or above the Half Moon Inn aforesaid, and the Cottages last mentioned, the Property of the said Henry Marder, and now in the several Occupations of the said Henry Marder, Benjamin Ezekiel, Mr. John Quick, and John Hill.

Two Messuages or Dwelling Houses, with the Outhouses, Malthouse, Courtlage, Four Cottages or Dwelling Houses, and Plots of Garden Ground behind the same, the Property of the Devises in Trust of the late Mr. William Haydon, deceased, and now in the several Occupations of Thomas Haydon, Widow Rew, William Paine Spirit Merchant, Henry Hewett, Sarah Sydenham, William Goddard, Simon Smith, and John Carter.

A Messuage or Dwelling House, with the Outhouses or Offices, Court, and Plot of Garden Ground behind the same, the Property and in the Occupation of Mr. Arthur Boase, and a Messuage or Dwelling House, with the Workshop, Wareroom, Outhouses, Courtlage, Cottage, and Plot

Plot of Garden Ground behind the same, the Property of Mr. Joseph Collard, and now in the Occupation of the said Joseph Collard and his Under-tenant.

A Plot of Garden Ground called the Bowling Green, with the Tenement or Cottage thereon, the Property of the Devisees in Trust of the late Richard Henry Strong, Esquire, deceased, and now in the Occupation of William Payne, Gardener, or James Simmonds as his Under-tenant.

A Plot of Garden Ground, with the Cottage or Dwelling House thereon, the Property of Mr. Henry Marder, and now in the Occupation of William Mogford.

A Plot of Garden Ground adjoining the North Side of the last-mentioned Plot, the Property of the Devisees in Trust of the said Richard Henry Strong, deceased, and now in the Occupation of the said William Payne, Gardener.

A Plot of Garden Ground, and Three Cottages or Dwelling Houses, Dyehouse, Smith's Shop, and Courtlage, and Coach-house adjoining, the Property of Miss Frances Walker and Miss Elizabeth Walker and the Honourable Percy Charles Wyndham, and now in the several Occupations of Benjamin Heard, John Dunsford, Joseph Cummins, and the said Frances Walker and Elizabeth Walker.

The Western Part, containing in Breadth Ten Feet, and extending from North to South, of a Plot of Garden Ground, the Property of Benjamin Bowden Dickinson, Esquire, and now in the Occupation of William Dickinson, Esquire, or Mrs. Dickinson as his Under-tenant.

A Plot of Garden Ground, the Property and now in the Occupation of Alexander Lamotte, Esquire.

Four Cottages or Dwelling Houses, with the Garden behind the same, the Property of Charles Warren, and now in the several Occupations of John Perkins, Sampson Skinner, Thomas Mudford, and Mary Dickinson.

Two Messuages or Dwelling Houses, with the Court, Outhouses, and Garden thereto belonging, the Property of Mr. George Cruwys, and now in the several Occupations of the said George Cruwys, and Mr. James Partridge as his Tenant.

The Second SCHEDULE referred to by the foregoing Act.

| RENTS, TOLLS, AND STALLAGE.   |   | s. | d.              |
|---|---|----|-----------------|
| For every uninclosed covered Butcher's Stall or Fish Stall, not occupying less than Seven Feet in Length, nor less than Three Feet in Breadth, for any Space of Time not more than the Two Market Days in every Week, any Sum not exceeding                     | - | 2  | 0               |
| For every other Day in the Week, any Sum not exceeding  | - | 1  | 0               |
| For every Fish Stall used in the Streets on every Monday, Wednesday, Thursday, and Friday, any Sum not exceeding  | - | 1  | 0               |
| For every inclosed covered Butcher's Stall occupying in Space in the clear not less than Eight Feet Square, for any Space of Time not more than the Two Market Days in every Week, any Sum not exceeding  | - | 4  | 0               |
| For every other Day in the Week, any Sum not exceeding  | - | 2  | 0               |
| For every Two Feet in Length for exposing to Sale Poultry, Butter, Eggs, Fruit, or other Articles of Provision commonly sold in Poultry Markets, or Seeds, for each Day any Sum not exceeding   | - | 0  | 2               |
| For every additional Foot in Length, any Sum not exceeding  | - | 0  | 1               |
| For every Three Feet in Length, for exposing to Sale Vegetables only, for each Day any Sum not exceeding  | - | 0  | 2               |
| For every additional Foot in Length, any Sum not exceeding  | - | 0  | 0 $\frac{1}{2}$ |
| For every Hand Basket brought and carried by Persons not using a Stall or Standing, containing Poultry, Pork, Butter, Eggs, or other Articles of Provision commonly sold in Poultry Markets, or Vegetables, Fruit, or Seeds, for each Day any Sum not exceeding | - | 0  | 2               |
| For every Sack or Bag containing Potatoes, Carrots, Turnips, Beans, Peas, or other Vegetables or Fruit sold by the Sack or Bag, and not weighing more than 168 Pounds Avoirdupois, for each Day any Sum not exceeding   | - | 0  | 1               |
| If weighing more than 168 Pounds Avoirdupois, for each Day any Sum not exceeding  | - | 0  | 1 $\frac{1}{2}$ |
| For every superficial Foot of uncovered Ground used or occupied by Persons offering for Sale, or selling Cabbage or other Plants, Apple Trees or Shrubs; or for any other Purposes not herein provided for, for each Day any Sum not exceeding                  | - | 0  | 0 $\frac{1}{2}$ |
| For every superficial Foot of covered Ground used or occupied by Persons offering for Sale or selling Cabbage or other Plants, Apple Trees or Shrubs, or for any other Purposes not herein provided for, for each Day any Sum not exceeding                     | - | 0  | 1               |
| For each and every superficial Foot of every Stall, for exposing to Sale any manufactured Goods, Wares, or Merchandize, for each Market Day any Sum not exceeding   | - | 0  | 1 $\frac{1}{2}$ |

The several Rents, Tolls, and Stallage before-mentioned and specified to be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof, for a Part or Portion of a Day, in case he or she shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any other Part or Portion of the same Day.

| TOLLS FOR WEIGHING AND MEASURING:  |  | s. | d.              |
|--|--|----|-----------------|
| For every Quantity of Meat, or other Article, weighing not exceeding Twenty Pounds Avoirdupois, any Sum not exceeding -                    |  | 0  | 0 $\frac{1}{2}$ |
| For every Quantity of Meat, or other Article, weighing more than Twenty Pounds, and not exceeding Sixty Pounds, any Sum not exceeding -    |  | 0  | 1               |
| For every Quantity of Meat, or other Thing, weighing more than Sixty Pounds, and not exceeding One hundred Pounds, any Sum not exceeding - |  | 0  | 1 $\frac{1}{2}$ |
| And for any greater Quantity than an Hundred Pounds Weight -   |  | 0  | 2               |
| For every Quantity of Goods and Articles sold by Measure, for every Bushel -   |  | 0  | 0 $\frac{1}{2}$ |
| TOLLS FOR THE CATTLE MARKET:   |  |    |                 |
| For every Horse, Gelding, or Mare, brought, offered, or shown for Sale, any Sum not exceeding -  |  | 1  | 0               |
| For every Colt, Filly, Foal, or Mule, any Sum not exceeding -  |  | 0  | 6               |
| For every Bull, Ox, Cow, Steer, or Heifer, any Sum not exceeding -   |  | 0  | 2               |
| For every Calf (except a sucking Calf), any Sum not exceeding -  |  | 0  | 0 $\frac{1}{2}$ |
| For every Score of Sheep or Lambs, and so in proportion for any less Number, any Sum not exceeding -                                       |  | 0  | 10              |
| For every Head of Swine (except sucking Pigs) any Sum not exceeding -  |  | 0  | 1               |
| And for every sucking Pig the Sum of -   |  | 0  | 0 $\frac{1}{2}$ |

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