



ANNO QUINTO

GULIELMI IV. REGIS.

Cap. xvii.

An Act for building a new Parish Church in the
Town of *Honiton* in the County of *Devon*.

[12th June 1835.]

WHEREAS the present Parish Church of the Parish of *Honiton* in the County of *Devon*, and within the Diocese of *Exeter*, is situated on an Eminence at a considerable Distance from the Town of *Honiton*, in which nearly the whole Population of the said Parish reside, and is incapable of accommodating more than One Fifth Part of such Population; and the Approach to it from the said Town being up a steep Hill, and its Situation exposed, aged and infirm Persons are prevented from attending Divine Worship in the Winter Season, or in wet and tempestuous Weather: And whereas the Reverend *Villiers Henry Plantagenet Somerset* Clerk is the Rector of the said Parish and Parish Church, and the Right Honourable the Earl of *Devon* is, or claims to be, the true and lawful Patron thereof: And whereas the Inhabitants of the said Parish are desirous of erecting a new Church in a central and convenient Situation within the said Town, and the same will be of great Benefit to the Inhabitants, and of general Utility: And whereas by a certain Indenture, dated the First Day of *June* in the Twenty second Year of King *Charles* the Second, reciting a certain other Deed, dated the Twentieth Day of *July* in the Fifteenth Year of King *Henry* the Eighth, certain Lands and Tenements situate in the said Parish of *Honiton*, and in the Parish of *Yarcombe* in the said County of *Devon*, belonging to a certain Charity Estate called *Allhallows* Charity, were vested in Trustees or Feoffees "for the Reparation, Sustentation, and maintaining of the "Chapel of *Allhallows*" (now standing on Part of such Trust Estate in

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the said Parish of *Honiton*) and for other such good and charitable Uses and Purposes within the said Town and Parish of *Honiton* as the said Feoffees, or the most Part of them, their Heirs or Assigns, Feoffees, should in their best Discretion think fit and convenient: And whereas the said Trustees or Feoffees have from Time to Time laid out and expended the Funds arising from the said Charity Estate in the Repairs of the said Chapel and the Tower thereto attached, and of a Free Grammar School-room, and the Schoolmaster's House erected on the said Charity Lands near to the said Chapel and Tower: And whereas by Indentures of Lease and Release bearing Date respectively the Twenty-fourth and Twenty-fifth Days of *December* One thousand eight hundred and twenty-seven, the said Charity Estate was conveyed to the Reverend *Villiers Henry Plantagenet Somerset*, Rector of *Honiton*, the Reverend *William John Tucker* Clerk, *Stephen Robinson*, *Christopher Flood*, *Thomas Kerlake*, *John Pidgeon*, *Harry Baines Lott*, *Christopher Samuel Flood*, *Philip Mules*, *Lewis Gidley*, *John Rogers*, *William Rogers*, *William Williams*, *Daniel Pidgeon*, *Edward Lott*, *Thomas Denner*, *James Basleigh*, and *John Lilly Williams*, to such and the like Trusts and Purposes: And whereas the said *William John Tucker*, *Stephen Robinson*, *Thomas Kerlake*, *John Pidgeon*, and *Harry Baines Lott* are since dead: And whereas the said Chapel called *Allhallows* Chapel has been uniformly appropriated for the Service and Performance of Divine Worship therein according to the Rites and Ceremonies of the Established Church, on *Wednesdays* and *Fridays*, and on the Evenings of *Sundays*, and the Archdeaconry Visitations have been accustomed to be held therein, and Service has been performed therein at other Times: And whereas the said Chapel and Tower are now in a dilapidated and ruinous State: And whereas the Site on which the said Chapel and Tower stand, with the Yard and Courtlage thereto attached, is in a convenient Situation for such intended new Church, being nearly in the Centre of the said Town: And whereas the said Parishioners are desirous of taking down the said Chapel and Tower, and erecting on the Site thereof, and of the Yard and Courtlage thereto adjoining, or Part thereof, the intended new Church, which it is proposed shall become, after the same shall be consecrated as herein-after mentioned, the Parish Church of the said Parish of *Honiton*, and that the Funds heretofore applicable to the repairing of the said Chapel called *Allhallows* Chapel, and the Tower thereof, shall be applicable to the future Repairs of the present Parish Church and Tower, and that the same, after the Consecration of the new Parish Church, shall become and be a Chapel of Ease to the same Church: And whereas, in order to carry such the Intentions of the said Parishioners into effect, and for the Purpose of providing for the necessary Avenues or Approaches to the said intended new Church, it will be necessary to purchase and take down certain Dwelling Houses or Buildings situate on the Northern Side of the High Street of the said Town, near to the said Chapel and Tower, (the Particulars of which are specified in the Schedule to this Act annexed,) or some Part or Parts thereof, and not belonging to the *Allhallows* Charity: And whereas the said Parishioners propose to raise the Funds necessary for carrying such their Intentions into effect by Subscriptions, and by Sale of the Pews or Seats to be erected in the said intended new Church; but the Intentions of the said Parishioners cannot be carried into effect without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the

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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 *Thomas Avery, James Basleigh, Richard Blake, Christopher Flood, Christopher Samuel Flood, John Frost, Lewis Gidley, William Lee, Richard Lewis Clerk, Edward Lott, Thomas Maunder, Philip Mules, John Charles Napleton Clerk, Daniel Pidgeon, Nathaniel Read, William Rogers, Villiers Henry Plantagenet Somerset Clerk, George Bacon Sweeting, Richard George Shum Tuckett, John White, William Woodgates, William Woodward, James Wyatt,* and the Survivors and Survivor of them, shall be and they are hereby appointed a Committee for carrying this Act into execution; and all and every the Powers, Authorities, Directions, Matters, and Things by this given to or directed to be done by or before the said Committee shall and may be exercised, had, and done by the Majority present at any Meeting at which not less than Seven of the said Committee shall attend; and all such Acts, Matters, and Things, when so done, shall be of as full Force and Effect as if done or executed by or before all the said Committee.

Appointment of Committee for executing this Act.

II. And be it further enacted, That when and so often as any of the said Committee herein-before appointed, or who shall be appointed by virtue of this Act, shall die, or become incapable of acting, or decline to act when required so to do, or shall discontinue to reside within the said Parish of *Honiton*, it shall and may be lawful for the Parishioners of the said Parish of *Honiton* and they are hereby required, from Time to Time, at a Vestry Meeting to be held for that Purpose, (of which Meeting Notice shall be given by the Clerk to the said Committee, or by the Churchwardens of the said Parish for the Time being,) to nominate and appoint some other Person, being a Subscriber to the Amount of Twenty-five Pounds or upwards, or the Assignee of any such Subscriber, or a rated Inhabitant of the said Parish of *Honiton* in respect of Lands or Tenements within the said Parish of the annual Value of Thirty Pounds at least, to be a Member of the said Committee in the Place of the Member so dying, or becoming incapable of acting, or declining to act, or discontinuing to reside in the said Parish of *Honiton* as aforesaid; and the Person or Persons so to be appointed shall in every respect be invested with the like Powers and Authorities to all Intents and Purposes as the Person or Persons in whose Place or Stead he or they may be so nominated and appointed as aforesaid: Provided always, that no Person or Persons shall be nominated or appointed a Member or Members of the said Committee who shall not at the Time be resident within the said Parish of *Honiton*, or who shall not be a Member of the Established Church.

Vacancies in Committee, how to be supplied.

III. And be it further enacted, That the Rector for the Time being of the Parish and Parish Church of *Honiton*, and the Churchwardens of the same Parish for the Time being, shall *ex officio* be Members of the said Committee.

Rector and Churchwardens of Honiton to be Members.

IV. And be it further enacted, That fair and regular Entries shall be made, in a Book or Books to be kept for that Purpose, of all the Acts and Proceedings of the said Committee at their Meetings, and of the Names of the Members who shall be present; and the same shall, when approved and confirmed, be signed by the Chairman; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be

Proceedings to be entered in a Book.

be read in Evidence in all Courts and on all Occasions whatsoever; and such Book or Books shall from Time to Time be open to the Inspection of the rated Inhabitants of the said Parish of *Honiton*.

Committee
to appoint a
Clerk and
Treasurer.

V. And be it further enacted, That the said Committee shall and they are hereby authorized and empowered to appoint any One of the said Committee or any other Person as Clerk to the said Committee, and also to appoint any One of the said Committee or any other Person to act as Treasurer of the said Committee, and to make such Allowance or to pay such Salary to the said Clerk out of the Monies applicable to the Purposes of this Act as the Committee shall think fit, not exceeding Ten Pounds annually, and to require the said Treasurer to give Security for the faithful Discharge of his Duties to such Amount and in such Form as the said Committee shall think fit.

Clerk and
Treasurer
not to be the
same Person.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Committee 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 Committee; and if any Person shall accept both the Office 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 accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or 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 accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Committee other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person 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, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Meetings of
Committee.

VII. And be it further enacted, That the said Committee shall meet within Twenty-one Days after the passing of this Act (of which Meeting Three Days previous Notice shall be given), and proceed in the Execution of this Act, and from Time to Time afterwards shall meet as Occasion shall require for fully carrying the Powers of this Act into effect; and Three Days Notice of all Meetings shall be given to each Member of the Committee by the Clerk, either personally, or by leaving it in Writing at
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his or her last usual Place of Abode in *Honiton*; and at all Meetings the Committee present shall elect a Chairman; and in all Cases where the Number of Votes upon any Question shall be equal the Chairman shall have a Second or Casting Vote: Provided always, that whenever the Rector of the said Parish shall be present at any of the Meetings appointed under this Act he shall always preside and act as Chairman thereof.

VIII. Provided always, and be it further enacted, That any Meeting of the said Committee may adjourn their Sitting to any future Day, not exceeding Three clear Days from the Day of such Adjournment, and so from Time to Time as often as such Adjournment may be found convenient, without any fresh Notice of such adjourned Meetings being necessary.

Committee may adjourn.

IX. And be it further enacted, That the Clerk of the Committee shall and he is hereby required to give such Notice of Meetings at the Request in Writing of any Two Members of the said Committee; and in case there shall be no Clerk, or he shall be absent or incapable, such Notice shall or may be given by Writing signed by any Two Members of the said Committee: Provided always, that all Meetings of the said Committee shall be held in some Place within the said Parish of *Honiton*.

Clerk to give Notice of Meetings.

X. And be it further enacted, That all Acts done and performed by the Committee appointed by the Subscribers previously to the passing of this Act, in and towards carrying the Object of the Subscribers into effect, shall be ratified and confirmed by the Committee herein-before appointed, and shall in every respect be deemed, taken, and considered as having been done and performed under the Powers of this Act.

Proceedings of Committee before the passing of this Act confirmed.

XI. And be it further enacted, That from and immediately after the passing of this Act it shall and may be lawful to and for the said Committee, and they are hereby authorized and empowered, with the Consent of the Trustees or Feoffees of the *Allhallows* Charity, testified by Writing under the Hands of any Two of the said Trustees or Feoffees, to take and pull down, or order and cause to be taken and pulled down, the said Chapel called *Allhallows* Chapel, and the Tower thereto attached, and to sell and dispose of all and every the Timber, Stone, Slate, Flags, Pavement, Glass, Bells, and other Materials of the said Chapel and Tower, or any Part thereof, to any Person or Persons, as to them shall seem meet; and the Money arising by such Sale shall be applied to the general Purposes of this Act; or the said Committee shall employ or apply the said Materials or any Part thereof, as to them shall seem meet, in building the said intended new Church and Tower, or in such Manner as they shall think proper.

Power to take down Allhallows Chapel and Tower.

XII. And be it further enacted, That when and so soon as the said Chapel and Tower shall be taken down it shall and may be lawful to and for the said Committee, and they are hereby authorized and empowered, with such Consent of the said Trustees or Feoffees, and so testified as aforesaid, to take Possession of so much and such Part or Parts of the Site of the said Chapel and Tower, and the Yard and Courtlage thereto adjoining and belonging, and of the other Parts of the said Charity Estate adjoining or near to the said Chapel and Tower, as the said Committee shall deem necessary for the Purpose of erecting the said intended new Church

Committee to take Ground for building the new Church.

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thereon,

thereon, and for making the necessary Avenues or Entrances and Inclosure herein-after directed.

For building
the new
Church and
Tower.

XIII. And be it further enacted, That the said Committee shall and they are hereby empowered and required, by, with, and out of the Monies to be subscribed and to be raised by or by virtue of this Act, to erect and build, or cause to be erected and built, on such Part of the Site of the said Chapel and Tower, and the Yard and Courtlage thereto adjoining, as shall be taken Possession of by the said Committee under the Power herein-before contained, a new Church and Tower, with proper, commodious, and convenient Pews or Seats and Galleries in the said Church, capable in the whole of accommodating One thousand two hundred Persons at the least, and to build such Vestryroom and other Buildings appertaining to the said new Church, or that may be considered necessary to appertain thereto, and also to erect and set up in the said new Church such Pews, Seats, Sittings, Benches, Forms, Galleries, Organ, Communion Table, Pulpit, Desks, Ornaments, and Conveniences, and such Clock, Bells, Chimes, and other Requisites in the said Tower, as the said Committee shall think right and proper: Provided always, that the said Committee shall first cause a Plan or Plans of the said Church, and of the Pews and Sittings therein, to be made, and laid before the Lord Bishop of the Diocese for the Time being, for his Consent and Approbation, to be testified in Writing thereon.

For inclosing
the said
Church and
Tower.

XIV. And be it further enacted, That the said Committee shall and they are hereby authorized and required, by, with, and out of the Monies so to be subscribed and raised as aforesaid, when and so soon as the said Church and Tower shall be so erected and built, to inclose and fence off the same on each Side thereof with Iron Railing, of such Height as the said Committee shall in their Discretion think proper, and convenient Iron Gates at the Entrances thereto, and so that such Iron Railing shall be placed at a convenient Distance from the Outside of the Walls of the said Church and Tower.

Committee to
purchase and
take down
Dwelling
Houses and
Buildings
for making
the necessary
Approaches,
&c.

XV. And be it further enacted, That it shall and may be lawful to and for the said Committee, and they are hereby authorized and empowered, to purchase and take all or any Part or Parts of the several Dwelling Houses, Buildings, and Courtlages, and Gardens, situate on the Northern Side of the Street of the said Town, and near to the said Chapel and Tower, specified in the Schedule to this Act annexed, and to take and pull down, or cause to be taken and pulled down, the said Dwelling Houses and Buildings, or such of them as shall be purchased or taken, and open and level the Sites thereof, and of the said Courtlages and Gardens, for the Purpose of making the necessary Avenues or Approaches to the said intended new Church, or of inclosing the same or any Part thereof with Iron Railing as aforesaid, and to sell and dispose of the Materials of such Dwelling Houses and Buildings, or any Part thereof, to any Person or Persons and for such Price or Prices as to them shall seem meet; and the Money arising by such Sale shall be applied to the general Purposes of this Act; or the said Committee shall employ or apply the said Materials or any Part thereof, as to them shall seem meet, in building the said intended new Church and Tower, or in such Manner as they shall think proper.

XVI. And

XVI. And be it further enacted, That none of the Penalties or Forfeitures of the Statutes or Laws of Mortmain shall be incurred by reason or in consequence of any Purchase or Acquisition of Lands or Real Estate under or in pursuance of this Act, for the Purposes of this Act.

Statutes of Mortmain barred.

XVII. Provided always, and be it further enacted, That if any of the Dwelling Houses or Hereditaments mentioned in the Schedule to this Act 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 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 to appear to any Two Justices of the Peace for the County of *Devon* 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 Dwelling Houses or Hereditaments had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Errors in Schedule not to prevent the Purchase.

XVIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and all Trustees whatsoever, Executors and Administrators, not only for and on behalf of themselves, and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, and Wards, and other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right or otherwise howsoever, and for all and every other Person or Persons whomsoever who now are or shall at any Time or Times hereafter be seised or possessed of or in any way interested in any of the Dwelling Houses or Hereditaments which the said Committee are enabled to take or purchase for the Purposes of this Act, or any of them, and they are hereby required, to contract and agree with the said Committee for the absolute Sale thereof, or any Part or Parts thereof, and to sell and convey the same or any Part or Parts thereof, and all the Estate, Right, Title, or Interest whatsoever of, in, and to the same; and to sell and convey the same unto the said Committee for the Purposes aforesaid; and all Contracts, Bargains, Sales, Conveyances, and other Assurances which shall be made by virtue and in pursuance of the Provisions of this Act shall, without any other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Persons so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them, and all Persons entitled in Remainder or Reversion expectant on any particular Estates; and

Incapacitated Persons empowered to sell and convey.

and the same shall be considered and deemed to bar and shall bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life, Fee Simple, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees and Trustees, Executors and Administrators, and all other Persons whomsoever, are and shall and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act; and all such Contracts, Sales, and Conveyances shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will permit; (that is to say,)

Form of
Conveyance.

‘ I of in consideration of the
‘ Sum of to me [*or, as the Case may be,* into the
‘ Bank of *England*, in the Name and with the Privity of the Accountant
‘ General of the Court of Exchequer, *ex parte* the Committee, pursuant
‘ to the Act after mentioned,] paid by the Committee, under the Powers
‘ of an Act of Parliament passed in the Fifth Year of the Reign of His
‘ Majesty King *William* the Fourth, intituled [*here set forth the Title of*
‘ *this Act*], do hereby grant to the Committee and their Successors, for
‘ the Purposes of the said Act, all [*describing the Premises to be conveyed*],
‘ together with the Appurtenances thereunto belonging, to hold the same
‘ unto and to the said Committee and their Successors, according to the
‘ true Intent and Meaning of the said Act. In witness whereof I have
‘ hereunto set my Hand and Seal the Day of
‘ in the Year of our Lord .’

[*Or in such other Form as may suit the Circumstances.*]

And all such Conveyances and Assurances as aforesaid shall be valid and effectual to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever.

If Proprietors
refuse to sell,
Jury may be
summoned to
assess the
Value, &c.

XIX. Provided always, and be it further enacted, That if any Bodies Politic or Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, Tenants for Life or in Tail, Trustees, Feoffees, Guardians, Committees, Executors or Administrators, or any other Person or Persons whomsoever, Proprietors or Owners of or interested in any Dwelling Houses or Hereditaments mentioned in the Schedule to this Act annexed, shall, for the Space of Twenty Days next after Notice in Writing from the said Committee, signed by the Clerk for the Time being of the said Committee, 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 Corporations, or at the House or Houses of the Tenant or Tenants in Possession of such Here-
ditaments

ditaments intended to be purchased and taken for the Purposes of this Act, purporting that such Dwelling Houses or Hereditaments are 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 Committee, then and in every such Case the said Committee shall cause the Value and Recompence to be made for such 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 Committee are hereby empowered from Time to Time to issue a Warrant or Warrants to the Sheriff of the said County, under the Hand of their Clerk, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twelve Persons qualified to serve upon Juries at the Sessions of the said County, who are respectively seised or possessed of Freehold, Copyhold, 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 within the Parish of *Honiton* aforesaid; 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 required 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 Twelve 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 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 shall also order and cause the said Jury, or any Seven or more of them, 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 Dwelling Houses or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such 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 Dwelling Houses or Hereditaments, or any Interest therein, according to the Verdict or Inquisition of the said Jury.

XX. 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

Verdict of
Jury to be
final.

[Local.]

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Purposes

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 and other Persons in anywise interested in such Dwelling Houses 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 or legal Tender 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, it shall and may be lawful to and for the said Sheriff to cause the Possession of the Premises in respect whereof such Money shall be assessed and paid to be delivered to the said Committee, and thereupon the Premises shall absolutely vest in such Trustee as the said Committee shall by Entry in their Books nominate as a Trustee of the said Premises, and such Trustee shall be and be deemed to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever, for the Purposes of this Act; 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 said County, 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 at all seasonable Times *gratis*, and may take Copies thereof *gratis*, and may, if they think proper, order Copies thereof to be made, paying Three-pence for every One hundred Words, and so on in proportion for any less Number of Words to be copied.

Penalty on Persons not appearing, or refusing to be sworn on Jury.

XXI. 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, in the Discretion of the said Sheriff, or who shall refuse to be sworn on such Jury, or being 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, 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.

Costs of Jury, by whom to be borne.

XXII. 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 Dwelling Houses or Hereditaments, or any Part or Parts thereof, than shall have been offered or tendered by the said Committee before the summoning or returning of such Jury, then the Costs and Expences of such Notice or Notices,

Notices, Precept or Precepts, and of summoning 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 not interested therein,) shall be borne and paid by the said Committee out of the Money applicable to the Purposes of this Act, and shall and may be recovered by the Person or Persons entitled thereto by Action; 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 Committee 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 Committee shall have had any Controversy or Dispute, and shall be deducted out of the Consideration or Compensation Money, and the other Moiety thereof shall be borne and paid by the said Committee out of the Money applicable to the Purposes of this Act as 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 borne and paid by the said Committee out of the Money applicable to the Purposes of this Act.

XXIII. And be it further enacted, That all Tenants at Will, Lessees for a Year, Tenants from Year to Year, 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, and who shall have no greater Interest in the Lands than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up the Possession of such Premises to the said Committee upon having Six Calendar Months Notice from the Clerk for the Time being of the said Committee to quit the same at such Time or Times as shall be required by such Notice, they the said Committee making such Satisfaction and Compensation to every such Tenant, Lessee, 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 Committee, 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 Committee for the Purchase of any Dwelling Houses and other 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 Committee, peaceably and quietly deliver up the Possession of the said Premises to the said Committee; 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 Committee to issue their Precept or Precepts under the Hand of their Clerk to the Sheriff of the said County of *Devon*, 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

Tenants to give up Possession upon Six Months Notice.

session 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.

Mortgagees
not in Pos-
session to
assign to
Committee.

XXIV. 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 Dwelling Houses or Hereditaments 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 of the said Committee, immediately convey, assign, and transfer such Mortgage or Mortgages to a Trustee nominated by the said Committee; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the Clerk for the Time being of the said Committee that the said Committee will out of the Money applicable to the Purposes 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 the said Mortgage or Mortgages, and his or their Interest in the Premises, to a Trustee nominated by the said Committee; but in case such Mortgagee or Mortgagees shall refuse to convey or assign on such Tender or Payment as aforesaid, then all Interest on 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 Dwelling Houses or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said Committee 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 by this Act directed to be ascertained and settled.

For taking
Possession of
Messuages,
&c. on Pay-
ment or Ten-
der of Pur-
chase Money
agreed upon
or assessed.

XXV. And be it further enacted, That upon Payment or legal Tender by the said Committee of the Purchase Money agreed upon or assessed by such Jury as aforesaid for any of the Dwelling Houses 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 referred to, within Two Calendar Months after such Purchase Money shall have been so agreed upon or assessed as aforesaid, it shall be lawful for the said Committee and all Persons employed by them to enter into and upon the Dwelling Houses and Hereditaments whereof the Purchase Money shall be so paid or tendered, and thereupon the same shall thenceforth be vested, for the Purposes of this Act, in a Trustee, to be for that Purpose nominated by the said Committee, by entering his Name as such Trustee in the Books of the said Committee; and every such Payment or Tender shall bar all
Estates,

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 Committee, or any Persons acting by their Authority, to enter in or upon any Dwelling Houses 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 any Estate therein.

XXVI. And whereas some Part or Parts of the said Dwelling Houses 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 Committee, and they are hereby authorized and empowered, and hereby required, within Five Years after such Part or Parts shall be ascertained to be not necessary for the Purposes of this Act, to sell and dispose of and convey, or cause to be sold and disposed of and conveyed, such Part or Parts of the said Hereditaments 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 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 Nonapplication thereof, or of any Part thereof; and every such last-mentioned Sale shall and may be made by a Conveyance to be executed by the Trustees in whom the Premises sold shall have been vested by this Act, the Clerk to the said Committee being a Party to such Conveyance to testify the Consent of the Committee: Provided always, that if the said Committee shall not sell such Part or Parts within Five Years as aforesaid, such Part or Parts shall after the Expiration of the said Five Years belong to and be vested in the Owner of the adjoining Lands and Premises, his Heirs and Assigns, if there shall be only One such Owner, and if there be more than One, then in the Owners of the adjoining Lands and Premises, their Heirs and Assigns, in equal Proportions.

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

XXVII. Provided always, and be it further enacted, That the said Committee, before they shall sell and dispose of any such Dwelling Houses or Hereditaments, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such 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 County of *Devon* aforesaid, by some Person or Persons no way interested in the said Hereditaments, stating that such Offer was made by or on behalf of the said Committee, 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 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 Hereditaments, and he, she, or they and the said

First Offer to be made to the Person from whom the same had been purchased.

Committee 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 Committee 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 Committee, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such last-mentioned Premises as aforesaid shall be applied by the said Committee for the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication thereof.

Application
of Compen-
sation Money
if amounting
to 200*l.*

1 G. 4. c. 35.

XXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Dwelling Houses or Hereditaments to be purchased or taken by virtue of the Powers of this Act, which any Person, or any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Hereditaments are limited in strict or other Settlement, or any Person or Persons under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, 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 there *ex parte* the Committee of the Parish Church of *Honiton*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for 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; and shall, when so paid in, there remain, and until the same shall, by Order of the said Court, made upon Petition to be presented to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Dwelling Houses or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Dwelling Houses, Lands, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, and Purposes, and in the same Manner, as the Dwelling Houses or Hereditaments which shall be so purchased or taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance shall be existing and capable of taking effect; and in the meantime and until such Order shall be made the said Money may, by Order of the said Court, by Application thereto, be invested by
the

the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof 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 such Hereditaments so to be purchased and settled.

XXIX. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for any Dwelling Houses or Hereditaments to be purchased or taken for the Purposes of this Act, and belonging to any Corporation, or to any other Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then the same shall (at the Option of the respective Persons for the Time being entitled to the Rents and Profits of the Dwelling Houses or Hereditaments so purchased or taken, or of their respective Husbands, Guardians, or Committees, in Cases of Coverture, Idiocy, Infancy, Lunacy, or other Incapacity, with the Approbation of the said Committee, signified in Writing under the Hand of the Chairman of a Meeting of the said Committee,) be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid (at the like Option and with the like Approbation) to Two Trustees, to be nominated by the respective Persons exercising such Option, such Nomination being approved of by the said Committee, and such Approbation to be signified in Writing under the Hand of the Chairman of a Meeting of the said Committee; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, but without being required to obtain any Order of the said Court touching the Application thereof.

When less than 200*l.* and above 20*l.*

XXX. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then the same shall be paid to the respective Persons who would for the Time being have been entitled to the Rents and Profits of the Dwelling Houses or Hereditaments so purchased or taken for the Purposes of this Act, for their own Use and Benefit; or in Cases of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Persons respectively entitled thereto.

When less than 20*l.*

XXXI. And be it further enacted, That in case any Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed or awarded to be paid for the Purchase of any Dwelling Houses or Hereditaments to be purchased or taken by virtue of this Act, or of any Estate, Right, or Interest therein, 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 Committee, or in case the Person or Persons to whom such Money shall be

In case of Parties refusing to receive Purchase Money, or not being able to make a good Title.

be agreed or awarded to be paid cannot be found, or the Person or Persons entitled to the Premises so purchased or taken be not known or discovered, then and in every such Case it shall be lawful for the said Committee to order the said Sum or Sums of Money so agreed to be paid or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties or the unknown Persons, as the Case may be, interested in the said Premises, subject to the Order, Control, 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 said 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 so paid into the Bank of *England* as aforesaid, mentioning and specifying for what and for whose Use the same is or are received, to the Person or Persons paying the same into the said Bank as aforesaid.

In Cases of Questions arising to the Title to Purchase Money.

XXXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for or in respect of any Dwelling Houses or Hereditaments, or of any Estate, Right, or Interest in any Dwelling Houses or Hereditaments, to be purchased or taken under the Powers of this Act, or to any Bank Annuities or Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Securities, the Person or Persons who shall have been in Possession or in the Receipt of the Rents of such Dwelling Houses or Hereditaments at the Time of such Purchase or taking, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Dwelling Houses or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities and Securities to be purchased with such Money, and also the Capital of such Bank Annuities and Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Dwelling Houses or Hereditaments, or to some Estate or Interest therein; and the said Court shall have full Power to direct the Payment of the said Bank Annuities and Securities, and the Interest and Dividends thereof, unto the Person or Persons who shall be proved to be entitled to the same.

Property vested in the Committee.

XXXIII. And be it further enacted, That all and every the Timber, Stones, Bricks, and other Materials of the said Chapel, Tower, Messuages, and

and other Buildings to be pulled down as aforesaid; and all the Stones, Bricks, Timber, and other Materials which shall be purchased or procured by Order of the said Committee for building the said new Church and Tower, or for inclosing the said Ground to be inclosed as aforesaid; and also all Railings and other Materials which shall be purchased, collected, or provided by the said Committee for any of the Purposes of this Act, shall belong to and be the Property of, and the same, and each and every of them, and every Part and Parcel thereof, are and is hereby vested in the said Committee; and it shall be lawful for the said Committee to bring or cause to be brought any Action or Actions, or to direct the preferring of any Bill or Bills of Indictment (as the Case may require), against any Person or Persons who shall steal, take, remove, or carry away the Stones, Bricks, Timber, Railings, and other Materials and Things respectively vested in the said Committee by virtue of this Act, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred; is or are the Property of the Committee of the Parish Church of *Honiton*, without stating or specifying the Names or Name of all or any of the said Committee.

XXXIV. And be it further enacted, That it shall be lawful for the said Committee and they are hereby authorized and empowered to contract and agree with any Person or Persons for the taking down the said Chapel and Tower, and of the said Dwelling Houses and Buildings herein-before directed to be taken down, or any of them, and to employ any Architect or Architects for planning, preparing Sections, Specifications, and Estimates of the said intended new Church, and superintending the building thereof; and also to contract and agree with any Person or Persons for providing Materials for, and for building, erecting, finishing, and completing the said intended new Church and Tower, and the Iron Railing and Gates for inclosing the same; and the said Committee shall take good and sufficient Security for the Execution of such Contracts, and generally make and do all such other Contracts, Matters, Acts, and Things whatsoever as they shall think proper and necessary fully and effectually to carry the Purposes of this Act into execution; and all such Contracts and Agreements, when made and entered into by or between the said Committee and any Person or Persons, shall be reduced into Writing by or by the Order of the said Committee, and shall be good, valid, and binding, as well upon the said Committee for executing this Act, if signed by the Chairman of a Meeting of the said Committee, as upon all other Parties thereto by whom or on whose Behalf the same shall be signed, his, her, and their Executors, Administrators, and Assigns; and the said Committee shall and may pay or order Payment to be made of the Monies due upon any such Contract or Contracts, Agreement or Agreements, to the Person or Persons entitled to receive the same, out of the Monies so to be subscribed as aforesaid, and to be raised and levied by virtue of this Act.

Committee
empowered
to contract
for building
Church, &c.

XXXV. And be it further enacted, That the said Committee shall have full Power and Authority from Time to Time to call on the respective Subscribers, their Executors or Administrators, for the Payment of the

Committee
to call for
Payment of
Subscrip-
tions.

[Local.]

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Sums

Sums of Money by them respectively subscribed, at such Time or Times or in such Parts and Proportions as the said Committee shall think proper, to be employed in and about the Erection and Completion of the said Church and Tower, and carrying into effect any of the Purposes of this Act; and if any of the said Subscribers, his, her, or their Executors or Administrators, shall refuse or neglect to pay any such Sum of Money to the Person or Persons who shall be from Time to Time authorized and empowered by the said Committee to receive the same, together with lawful Interest for the same, from the Time when the same ought to have been paid, and at the Place where it shall be appointed by the said Committee that the same shall be paid, for the Space of Twenty Days after Notice thereof, by Letter, addressed by the Clerk of the said Committee, by Order of the said Committee, to such Person or Persons, directed to them, him, or her, and left at their, his, or her usual and last Place of Abode, such Person or Persons so refusing or neglecting to pay such Sum of Money shall forfeit all Interest of and in the said Church, Pews, and Sittings, and all Sums of Money that may have been subscribed and contributed by them, him, or her towards the Erection thereof, and all Rights, Privileges, and Benefit whatsoever hereby given to Subscribers; or it shall be lawful for the said Committee to sue for and recover the Money so due, in the Name or Names of any One or more of the said Committee, or of their Clerk, in any of His Majesty's Courts of Record, by Action of Debt or on the Case.

Power to
borrow
Money.

XXXVI. And be it further enacted, That it shall be lawful for the said Committee and they are hereby authorized and empowered to borrow and take up at Interest on the Security of such of the Church Seats or any Part or Parts thereof as shall not, in pursuance of this Act, be set out and appropriated for the Rector for the Time being, or be declared Free Seats, or allotted and awarded to the Subscribers, such Sum or Sums of Money as the Committee shall think proper, not exceeding the Sum of Two thousand Pounds, to be by them applied in and towards the Erection and Completion of the said Church and Tower.

Form of
Charge.

XXXVII. And be it further enacted, That all Charges of Principal Monies and Interest to be made by virtue of this Act shall or may be made in the Form or to the Effect following; (that is to say,)

‘ WE [*state the Names*], being of the Committee appointed by
 ‘ an Act passed in the Fifth Year of the Reign of King *William* the
 ‘ Fourth, intituled [*here set forth the Title of this Act*], in consideration of
 ‘ the Sum of Pounds advanced and lent to us
 ‘ by of in the County of
 ‘ for the Purposes of the said Act, do hereby charge the Seats to be erected
 ‘ in the said Church (except such as shall be set out and appropriated by
 ‘ the said Committee for the Rector of the said Parish for the Time being,
 ‘ or for Free Sittings, and for the Subscribers, pursuant to the Powers in
 ‘ the said Act contained,) with the Repayment to the said
 ‘ his Executors, Administrators, and Assigns, of the said Principal Sum
 ‘ of on the Day of
 ‘ and also with the Payment to the said
 ‘ his Executors, Administrators, and Assigns, in the meantime,
 ‘ by half-yearly Payments on the Day of

and the Day of
 in every Year, of Interest on the said Principal Sum of
 or on so much thereof as for the Time being shall be unpaid, after the
 Rate of *per Centum per Annum.* In witness
 whereof we have hereunto set our Hands and Seals the
 Day of in the Year of our Lord

XXXVIII. And be it further enacted, That all Monies to be borrowed in pursuance of this Act shall be paid *pari passu*, and that the Priority of Date of any Charge shall not confer any Preference or Priority of Charge.

Charges not to have Priority of each other.

XXXIX. And be it further enacted, That when and so soon as the said Church and Tower shall be erected, and the said Church shall be fitted up and furnished with all Things necessary for the Purposes of the Celebration of Divine Service, and the Administration of the Sacraments therein, it shall and may be lawful to and for the Lord Bishop of *Exeter* for the Time being, and he is hereby authorized and empowered, to consecrate the said Church by the Name of "The Church of *Saint Paul*," and the same shall thereupon and for ever thereafter, to and for all Intents and Purposes whatsoever, be and be deemed the Parish Church of the said Parish of *Honiton*; and the Ground adjoining thereto, herein-before authorized and directed to be inclosed as aforesaid, shall thereupon and for ever thereafter, to and for all Intents and Purposes whatsoever, be and be deemed a Churchyard of the said new Parish Church; and accordingly the said new Church and new Churchyard, with their Appurtenances, shall be divested out of every Person and Body in whom the same respectively shall have been previously vested, to the Intent and so that the same may become and be such Parish Church and Churchyard as aforesaid; and the said new Parish Church and Churchyard shall for ever thereafter be subject to the Jurisdiction of the Lord Bishop of the Diocese of *Exeter* for the Time being; and the Rector of the said Parish of *Honiton* and his Successors shall have the like Rights and Estate, Interest, Rights, and Powers in and over the said new Parish Church and Churchyard as by Law of Right belong to the Ecclesiastical Rector in and over the Parish Church and Churchyard of his Parish, except so far as such Rights or Powers are inconsistent with the Provisions of this Act, and that the said Rector and his Successors shall have the like Rights and Powers in and over the said present Parish Church as by Law of Right belong to the Ecclesiastical Rector in and over a Parochial Chapel of Ease to the Parish Church; and the said new Parish Church and Churchyard shall be repaired and sustained as Parish Churches and Churchyards shall by Law from Time to Time be directed to be repaired and sustained: Provided always, that no Graves or Vaults or Places of Burial shall be made within the Body of the said new Church, or within the Churchyard of the said new Church.

Church to be consecrated.

No Graves allowed in the new Church or Yard.

XL. And be it further enacted, That when and so soon as the said new Church shall be built, completed, and consecrated, and become the Parish Church of the Parish of *Honiton* as aforesaid, thenceforth Divine Service, the Solemnization of Matrimony, Baptisms, and all other Rites and Ceremonies (except Burials), and all Notices, Matters, and Things whatsoever which were or of Right have been used to be celebrated, solemnized, administered,

Privileges of the new Church.

administered, read, or published, had, done, or performed by the Rector of the said Parish or his Curate, or the Minister of the present Church, or by the Parish Clerk thereof, shall and may be celebrated, solemnized, administered, read, and published, had, done, and performed, in such and the like Manner, by the said Rector or his Curate, or the Minister or Parish Clerk of the said Parish for the Time being, in the said new Church to be built by virtue of this Act; any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Parish discharged from Repairs of the present Church, and the Funds of Allhallows Charity to be applicable thereto.

XLI. And be it further enacted, That when and so soon as the said new Church shall become the Parish Church of the said Parish of *Honiton*, in pursuance of the Provision in that Behalf herein contained, and from thenceforth, the present Parish Church and Tower shall become and be to all Intents and Purposes a Chapel of Ease to the said new Parish Church; and the Inhabitants of the said Parish of *Honiton* shall for ever thereafter be discharged from the Repairs of the present Parish Church and Tower; and then and from thenceforth the Funds arising from the said Charity Estate called *Allhallows* shall in the first place be paid, laid out, and expended, so far as the same shall be required, in the Repairs, Maintenance, and Support of the said Schoolhouse and Schoolroom, and in the next place in the Repairs, Maintenance, and Support of the present Parish Church and Tower, instead of the said Chapel called *Allhallows* Chapel, and the Tower thereof.

Dead Bodies to be buried in the present Church and Yard.

XLII. Provided always, and be it further enacted, That it shall be lawful to bury the Dead in Vaults in or under the said present Parish Church in such Manner as has heretofore been accustomed; and that the Churchyard or Burial-ground adjoining the said present Church shall be and remain for ever hereafter the public Place of Interment of the Dead for the said Parish of *Honiton*: Provided always, that the Right of permitting Burials in the said Vaults under the said Parish Church shall continue to belong to the Rector of the said Parish and his Successors, and all Fees for Performance of the Burial Service in the said present Church and in the said Churchyard or Cemetery shall be Surplice Fees belonging to the Rector of the said Parish, and paid or accounted for accordingly.

Divine Service to be performed in the present Church once a Month.

XLIII. Provided always nevertheless, and be it further enacted, That from and after the said new Church shall become the Parish Church of the said Parish as aforesaid, Divine Service shall be performed by the Rector of the said Parish for the Time being or his Curate, or some other Minister of the Established Church, in the present Parish Church, once in every Month at the least, on a *Sunday*, of which Notice shall be given in the said new Church immediately after Divine Service on the preceding *Sunday*.

Reservation of Right to Pews or Sitings in the present Church.

XLIV. And be it further enacted, That nothing in this Act contained shall be construed or taken to take away or alter the Rights of any Persons to Pews or Sitings, by Faculty or otherwise, in the said present Parish Church, but that all such Persons shall retain the same Rights to such Pews or Sitings after the said present Parish Church shall become a Chapel of Ease as aforesaid.

XLV. And

XLV. And be it further enacted, That the said Committee shall and they are hereby authorized and required to set out, allot, and appropriate in the said new Church a Seat or Pew, or Seats or Pews, or Sittings, capable of accommodating Twelve Persons, for the Use of the Rector of the said Parish for the Time being and his Family, and one other Seat or Pew sufficient for the Use of the Master and Scholars of the said Free Grammar School; and likewise to set out, allot, and appropriate in some convenient Part or Parts of the said Church, for decent and suitable Accommodation of all Persons, of what Rank or Degree soever, who may resort to the said Church, Seats or Sitting Places, to be marked with the Words "Free Seats," sufficient to accommodate Five hundred Persons at the least; and also to set out, allot, and appropriate in some other convenient Part or Parts of the said Church, Sittings in Seats or Pews sufficient to accommodate Fifty Persons at the least, which shall for ever thereafter be in the Disposition of the Churchwardens of the said Parish for the Time being, for the Accommodation of the Occupiers of Farms and Lands within the said Parish of *Honiton*, being Inhabitants of and resident within the same Parish; and which several Pews or Seats and Sittings respectively shall for ever thereafter be used and appropriated for such respective Purposes, and no other.

Pew for the
Minister.

Free Seats.

XLVI. And be it further enacted, That the said Committee shall and they are hereby authorized and required to cause all such Seats or Pews and Sittings as shall not be so as aforesaid set out and appropriated to be numbered, and to set a Value on such Seats or Pews and Sittings respectively, having regard in fixing such Value to the Extent and Situation of such Seats or Pews and Sittings respectively; and when and as soon as the same shall be so numbered and valued the said Committee shall and they are hereby authorized and required to set out, allot, and appropriate, to and for the several Subscribers being resident within the said Parish of *Honiton*, (but no others,) and whose Subscriptions shall amount to the Sum of Ten Pounds and upwards, or to the Heirs or Assigns of such Subscribers resident as aforesaid, Seats or Pews or Sittings, or a Seat or Pew or Sitting, equal in Value to the Amount of their respective Subscriptions, and each such Allotment or Appropriation to be evidenced by an Entry to that Effect in a Book to be kept by the said Committee, or by Copies of such Entry certified by the Clerk of the Committee for the Time being to be correct; and every Seat, Pew, or Sitting so allotted or appropriated as last aforesaid shall for ever thereafter be vested in and held and enjoyed by such Subscribers, and their respective Heirs and Assigns, as Freehold Estates in Fee Simple, and shall and may be conveyed, leased, let, devised, or otherwise disposed of by the Proprietors thereof for the Time being, unto any other Person or Persons being Inhabitants of and Residents within the said Parish of *Honiton*: Provided always nevertheless, that no Subscriber shall be entitled to have a greater Number of Seats or Pews or Sittings set out and appropriated for him or her in respect of his or her Subscription than will be sufficient for the Accommodation of Twelve Persons, notwithstanding he or she shall have subscribed and paid a larger Amount than the Value of such Seats or Pews or Sittings.

Regulation
and Allot-
ment of Seats
to Sub-
scribers.

XLVII. And be it further enacted, That it shall be lawful for the said Committee to sell and dispose of the Fee Simple and Inheritance of such

Pews and
Seats may be
sold.

[Local.]

6 X

and

and so many of the Pews or Seats or Sittings in the said new Church as shall not be set out and appropriated as herein-before directed, and the said Committee shall deem necessary for the Purposes of this Act, for such Price or Prices as the said Committee shall think fit, unto any Person or Persons being Inhabitants of and Residents within the said Parish of *Honiton*, willing to take or become the Purchaser or Purchasers of the same Pews or Seats or Sittings respectively, and to convey the same to such Purchaser or Purchasers, and his, her, or their Heirs and Assigns for ever; and from and immediately after the Execution of such Conveyance all and every such Pews or Seats or Sittings respectively shall be vested in the Purchaser or Purchasers thereof, and his, her, or their Heirs and Assigns for ever, and shall and may thereafter be sold, conveyed, devised, or otherwise parted with or disposed of by the Proprietor or Proprietors thereof for the Time being unto any other Person or Persons being Inhabitants of or Residents within the said Parish of *Honiton*: Provided always, that it shall be lawful for the said Committee to allow to any such Purchaser or Purchasers, being a Subscriber or Subscribers to a less Amount than the Sum of Ten Pounds, and whose Subscription or Subscriptions shall have been paid, the Amount of their respective Subscriptions out of the Purchase Money of the Pews or Seats or Sittings agreed to be purchased by such Subscriber or Subscribers.

Reserving
Seats for the
Lord or Lady
of the Manor,
&c.

XLVIII. Provided always, and be it further enacted, That the said Committee shall and they are hereby required to reserve for the Space of Two Years Seats or Pews capable of accommodating Thirty Persons at the least, which it shall be lawful for the Lord or Lady of the Manor of *Honiton* to purchase for the Accommodation of his or her Tenants, or such other Persons as shall from Time to Time be named and appointed by him or her, his or her Heirs or Assigns, or his, her, or their Steward or Agent (such Tenants or other Persons so to be named and appointed being Inhabitants of or resident within the said Parish of *Honiton*); but in case the said Lord or Lady of the said Manor shall neglect or refuse to purchase such Seats or Pews within the said Period of Two Years, that then it shall and may be lawful to and for the said Committee to sell such Seats or Pews to any other Person or Persons, being Inhabitants of or resident within the said Parish of *Honiton*.

Form of Con-
veyance.

XLIX. And be it further enacted, That all Conveyances of Seats or Pews or Sittings to be made by the said Committee in pursuance of this Act may be made according to the following Form; (that is to say,)

‘ WE [*state the Names*], being of the Committee
‘ appointed by an Act passed in the Fifth Year of the Reign of King
‘ *William* the Fourth, intituled [*here set forth the Title of this Act*], in
‘ consideration of the Sum of of lawful Money of
‘ *Great Britain* to us paid by of *Honiton* aforesaid
‘ (the Receipt whereof we do hereby acknowledge), do, by
‘ virtue of the Powers contained in the said Act, grant unto the said
‘ all [*describe the Seats or Pews or Sittings sold*], and
‘ all Right, Title, and Interest in and to the same, and every Part thereof,
‘ to hold unto and to the Use of the said his Heirs
‘ and Assigns for ever. In witness whereof we have hereunto set our
‘ Hands and Seals this Day of in the Year
‘ of our Lord

L. And

L. And be it further enacted, That it shall not be lawful for any Subscriber or Subscribers to whom any such Seats or Pews or Sittings shall be set out, allotted, and appropriated as aforesaid, or for any Purchaser, or Purchasers of any of the Seats or Pews or Sittings to be sold by virtue of this Act, or for any other Proprietor or Proprietors of any such Seats or Pews or Sittings claiming or holding under any such Subscribers or Purchasers respectively, to sell, convey, let, or assign the same to any Person or Persons not being an Inhabitant of and resident within the said Parish of *Honiton*, but all such last-mentioned Sales, Conveyances, Leases, and Assignments shall be null and void.

Pews to be disposed of to Inhabitants only.

LI. And be it further enacted, That all Transfers or Conveyances of Seats or Pews or Sittings to be made by the Owner or Owners of such Seats or Pews or Sittings to any other Person or Persons may be made according to the following Form; (that is to say,)

Form of Transfer or Conveyance on Sale of Seats or Pews by the Owners.

I of *Honiton* in the County of *Devon* being the Owner of the Seats or Pews or Sittings herein-after described, and intended to be hereby conveyed, erected in the Church of *Saint Paul* in the Parish of *Honiton* in the County of *Devon*, under the Powers of an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of of lawful Money of the United Kingdom to me paid by of *Honiton* aforesaid, (the Receipt whereof I do hereby acknowledge,) do, by virtue of the Powers contained in the said Act, grant and convey unto the said all that or all those the [*here describe the Seats or Pews or Sittings intended to be conveyed*], and all my Right, Title, and Interest in and to the same, and every Part thereof, to hold unto and to the Use of the said his Heirs and Assigns for ever. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord

[*Or in such other Form as may suit the Circumstances of the Case.*]

LII. And be it further enacted, That the said Committee shall make such Regulations for registering, in a Book or Books to be kept for that Purpose, all Changes of Ownership or of Right to the said Pews, Seats, or Sittings in the said new Church as the said Committee shall from Time to Time think fit; and no Purchaser or other Person shall be entitled to Access to any Pew, Seat, or Sitting to which he or she shall claim Title till he or she shall have complied with the Regulations for the Time being established by the said Committee with respect to such Registration.

Committee to make Regulations as to registering Changes of Ownership to Seats, &c.

LIII. And be it further enacted, That the said Committee shall from Time to Time make such Rules and Regulations as the said Committee shall think fit with respect to the numbering of the said Pews in the said new Church, and with respect to all such other Matters as the said Committee shall think conducive to Order and Regularity in the Disposal and Enjoyment of the said Pews, Seats, and Sittings.

Committee to make Rules as to numbering Seats, &c.

LIV. And be it further enacted, That it shall be lawful for the said Committee at all Times, if they shall so think proper, to retain and keep unsold in their own Hands a reasonable Number of Pews, Seats, or Sittings to be from Time to Time let by the said Committee, and the Rents thereof

Committee empowered to retain Seats and let same, to pay Salaries and Expences.

thereof applied by the said Committee in Payment of the Salary (if any) of their Clerk, and the Expences of Books of Account, and Books for registering Titles of Pews, Seats, or Sittings, and all other Expences of the said Committee usual in similar Cases, which are not otherwise provided for by this Act.

Forfeited or
lapsed Pews
may be re-let
or re-sold.

LV. And be it further enacted, That when any Owner of any such Pew or Seat or Sitting appropriated to the said Subscribers, or sold and conveyed by virtue of this Act as aforesaid, shall die, and such Pew or Seat or Sitting shall thereupon descend or go to some Person or Persons not being an Inhabitant of or resident within the said Parish of *Honiton*, and such Person or Persons shall not dispose of his, her, or their Interest therein to some other Person or Persons capable of holding the same according to this Act, within One Year after the Death of any such Owner so dying, or when any Owner of any Pew, Seat, or Sitting shall cease for the Period of One Year to be an Inhabitant of or resident within the said Parish, without having disposed of his or her Pew, Seat, or Sitting, to some Person capable of holding the same according to this Act, then and in any such Case every such Pew, Seat, or Sitting shall revert so as to return under the Power of the Committee acting in the Execution of this Act, and shall and may be let or sold by them in manner herein provided respecting the Letting and Sale of Pews or Seats and Sittings, so far as such Letting or Sale shall be by the Committee deemed necessary for the Purposes of this Act.

Pews and
Seats to be
let until sold.

LVI. And be it further enacted, That it shall and may be lawful to and for the said Committee, and they are hereby authorized and empowered, from Time to Time, until the Seats or Pews or Sittings herein-before directed to be sold shall be so sold and conveyed, to set and let the same to any Person or Persons (being Inhabitants or Residents of the said Parish of *Honiton* for any Period not exceeding One Year, for such Rent or Rents as the said Committee shall think proper.

Descent of
Pews or Seats
to Co-heirs,
&c.

LVII. And be it further enacted, That in the Event of a Descent of any Pew, Seat, or Sitting to Co-heirs, or any Gift or Conveyance to several Persons, One or more of whom shall be capable, and the other or others incapable of taking and holding such Pew, Seat, or Sitting according to this Act, such Pew, Seat, or Sitting shall wholly descend to or vest in such Person or Persons as shall be capable of taking and holding such Pew, Seat, or Sitting according to this Act.

Payment or
Rents of
Seats or
Pews to be
in advance
half-yearly,
and to be
distrained for
when in
arrear.

LVIII. And be it further enacted, That the Rents at which the said Seats or Pews or Sittings shall be let as aforesaid shall be payable, by the Person or Persons taking or occupying the same, in advance, by Half-yearly Payments, (that is to say,) on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in each Year, and, in case of Nonpayment thereof for the Space of Three Calendar Months next after the same shall become payable, and Demand thereof by Notice in Writing shall have been made, by or on behalf of the said Committee, either of the Occupier or Occupiers of any such Seat or Pew or Sitting, or left at his, her, or their usual or last Place of Abode, and upon Proof thereof upon Oath before any Justice of the Peace of the said County of *Devon*, (which Oath such Justice is hereby authorized to administer,) be levied by Distress and Sale of the Goods and Chattels of every such Occupier or Occupiers,

Occupiers, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), after deducting the Sums due in respect of such Rent or Rents, and all Costs and Charges attending the Recovery thereof, to the Owner of such Goods and Chattels, on Demand; and the said Committee shall and may in such Case, if they shall so think proper, enter upon and take Possession of such Pews or Seats or Sitings, and let the same to any other Person or Persons.

LIX. And be it further enacted, That it shall not be lawful for any Owner or Owners or Occupier or Occupiers of any Pew or Seat or Sitting to be erected in the said new Church, to affix any Rail or Curtain, or make any Alteration in or to such Pew or Seat or Sitting, without the Consent of the Committee for the Time being, except by cushioning or covering the same with Cloth; but all Seats and Pews and Sitings to be erected in the said Church shall for ever hereafter be under the Direction, Management, and Regulations of the said Committee for the Time being, and subject to the ordinary Ecclesiastical Jurisdiction.

No Alteration to be made in any Pew or Seat.

LX. And be it further enacted, That the Receipt in Writing of the Treasurer for the Time being of the said Committee shall be an effectual Discharge to all Subscribers, Purchasers, Renters, and other Persons whomsoever paying Money to or on account of the said Committee, or for the Purposes of this Act, for the Money in such Receipt expressed to be received; and further, that the Monies which shall or may be received by the said Committee from the Subscriptions, or from the Sale or Rents of Seats, Pews, or Sitings, or from Sale of Materials, or otherwise, by virtue of this Act, shall be applied by the said Committee in Payment of the Cost, Charges, and Expences incident to and attending the preparing, applying for, and passing this Act, and in the Payment of all other just and reasonable Costs, Charges, and Expences of carrying the same into execution, and in taking down the said Chapel and Tower, and in the Purchase of the Dwelling Houses and Buildings, Courtlages and Gardens herein-before directed to be purchased and taken down, and in taking down the same and levelling the Site thereof, and in erecting and completing and finishing the said new Church and Tower, and inclosing the same as herein-before directed, and in paying and discharging any Advances, Loans, or Liabilities made, received, or incurred by the said Committee relating to the same, with Interest thereon, and for other the Purposes of this Act.

Application of Monies received.

LXI. And be it further enacted, That the Treasurer to the said Committee for the Time being shall and he is hereby required to keep a true and perfect Account of all and every Sum and Sums of Money to be received and paid by him under and by virtue of this Act, and to enter all such Receipts and Payments in a proper Book or Books, which Account shall be examined, made up, and balanced by the said Committee once in every Year at the least, and shall also be verified on the Oath of the Treasurer for the Time being before One of His Majesty's Justices of the Peace for the said County of *Devon*, within Fourteen Days after the same shall have been so examined, made up, and balanced; and such Book of Account shall from Time to Time be open to the Inspection of the rated Inhabitants of the said Parish of *Honiton*; and such Treasurer shall account for and pay the Balance which shall be due on any such

Accounts to be kept.

[Local.]

6 Y—Z

Account,

Account, or any Monies which shall be due on any such Account, or any Monies which shall be in his Hands as such Treasurer, to such Person or Persons and in such Manner as the said Committee shall from Time to Time direct; and if any such Treasurer shall refuse to render such Account or to pay any such Balance or Monies accordingly, it shall be lawful to and for any Two Justices of the Peace of the said County of *Devon*, and they are hereby authorized and required, on the Complaint of the said Committee or their Clerk, to commit any such Treasurer so refusing as aforesaid to the Common Gaol of the said County, there to remain without Bail or Mainprize until he shall render such Account and pay such Balance or Monies as aforesaid.

How Committee shall sue and be sued.

LXII. And be it further enacted, That the Committee for the Time being, under and by virtue of this Act, may sue and be sued for or concerning any Contract, Property, or Thing relating to the Execution of this Act, in the Name of their Clerk, or in the Name of any one of the Committee; and no Action or Suit which shall be so brought, commenced, or prosecuted, carried on, or defended by or against the said Committee, or any of them, in the Name of the said Clerk or of any one of the Committee, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death, Resignation, or Removal of such Committee-man, or by any Act or Default of such Clerk, or any One or more of the said Committee, done or suffered without the Consent or Direction of the said Committee, but the Clerk or the Committee-man in whose Name such Action, Suit, or Proceeding shall have been commenced shall be always deemed Plaintiff or Defendant in every such Action or Suit, as the Case may be.

Indemnity to Committee.

LXIII. Provided always, and be it further enacted, That the said Committee, and all Persons acting by or under their Order or Direction, shall from Time to Time and at all Times hereafter be fully indemnified, from and out of the Monies to be raised under this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them shall or may sustain or be put unto for or by reason of any Action, Suit, or other Proceeding which may be had, sued, commenced, or prosecuted by or against them, any or either of them, for or in respect of any Matter or Thing relating to the Execution of this Act, or the Trusts hereby reposed in them.

Appeal, &c.

LXIV. Provided always, and it is hereby further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing made or done by the said Committee, or under their Order or Authority, or by their Clerk or Treasurer by their Direction, such Person or Persons may appeal to the Justices of the Peace at the first General Quarter Sessions of the Peace to be holden in and for the said County of *Devon* next after the Expiration of Four Calendar Months from the Time wherein such Cause of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one Days Notice at the least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Committee, and within Five Days after such Notice enter into a Recognizance before some Justice of the Peace of the said County, with sufficient Sureties, conditioned to try such Appeal, and abide by the Order or Award of the said

Justices thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, or to make such Order thereon, and to award such Costs to either of the Parties, or otherwise, as they the said Justices shall think proper, and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all Orders and Determinations of the said Justices shall be final and conclusive to all Intents and Purposes whatsoever.

LXV. Provided also, and be it further enacted, That when and so soon as the said Committee shall have fully and effectually carried this Act and the several Powers and Authorities hereby vested in them into execution, and shall have paid off and discharged all Debts, Loans, and Liabilities made, received, or incurred by the said Committee, relating to the same, with Interest thereon, and also all Costs, Charges, and Expences which shall or may be incurred by them in execution of this Act, and then and from thenceforth the Powers hereby vested in the said Committee shall, so far as regards the said Committee, cease and determine, and the Management and Disposition of the Seats or Pews and Sittings in the said new Church (subject to the then existing Rights of the Parishioners and the Owners of Seats or Pews and Sittings therein, and so far as the same shall be consistent with this Act,) shall from thenceforth for ever thereafter be vested in the Churchwardens of the said Parish of *Honiton* for the Time being.

Powers of the Committee to cease when Act is fully put into execution.

LXVI. And be it further enacted, That nothing in this Act contained shall extend to prejudice, impeach, or defeat any Right, Title, Interest, Property, Privilege, or Jurisdiction of the Lord Bishop of *Exeter* for the Time being in the said Bishoprick of *Exeter*, or to prejudice or affect the Exercise of ordinary Ecclesiastical Jurisdiction over the said new Church and Churchyard and the said present Parish Church and Churchyard, but that the same Churches and Churchyards respectively shall be and remain subject to the Powers and Jurisdiction of the Ordinary, so far as may be consistent with the Powers and Provisions of this Act, in like Manner as if the said new Church and Churchyard had been the original Parish Church and Churchyard, and this Act had not been passed.

Saving Rights of the Bishop of Exeter.

LXVII. Saving always to the King's most Excellent Majesty, and to His Heirs and Successors, and to all other Person or Persons, Bodies Politic and Corporate, and to the Rector of the said Parish for the Time being, and the Patron or Patrons of the said Rectory, his, her, or their Heirs, Successors, Executors, and Administrators, all such Estates, Rights, Titles, and Interests (other than those which are meant and intended to be barred and destroyed by this Act) which they, every or any of them, had and enjoyed before the passing of this Act, or might or would have had and enjoyed in case this Act had not been passed.

General Saving.

LXVIII. 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.

Public Act.

The

The SCHEDULE referred to in and by the foregoing Act.

Description of Premises.	Where situate in the Town of Honiton.	Occupiers.
Dwelling House, Outhouses, and Offices.	High Street and Chapel Court.	Nathaniel Wakely.
Dwelling House, formerly the Half Moon, but now occupied as Two Dwelling Houses, (one of which is now called the Half Moon,) with the Brewhouses, Outhouses, Courtlage, and Gardens to the same respectively belonging.	High Street and Chapel Court.	Richard Salter and Susan Loveridge.
Two Tenements, with the Gardens and Courtlage adjoining.	Chapel Court - -	Late George Lucas French and Henry Pidgeon.
Warehouses, Buildings, and Courtlage, formerly Fellmonger's Yard.	Chapel Court - -	Anthony Starke.
Dwelling House - -	High Street - -	Late William Guppy, now John Walters.
Dwelling House now occupied as Two Tenements.	High Street and Chapel Court.	George Whitfield Edwards and William Porter.
Dwelling House - -	High Street - -	Samuel Dunning.
Dwelling House - -	High Street - -	Argenton Darke.
Dwelling House - -	High Street - -	Anthony Starke.
Dwelling House - -	High Street - -	John M ^c Kno.
Dwelling House - -	High Street - -	Mary Welsman.
A small Tenement - -	Chapel Court - -	Thomas Burge.
A Dwelling House and Courtlage.	Silver Street - -	James Livermore.

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