



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 45.

An Act for providing a convenient House, with suitable Accommodations, for His Majesty's Judges at the Assizes for the County of *Warwick*.

[18th *May* 1814.]

WHEREAS the Lodgings in the Town of *Warwick*, for His Majesty's Judges at the Assizes for the County of *Warwick*, are very inconvenient, and do not afford proper and suitable Accommodation to them during their Residence in the said Town: And whereas the Justices of the Peace for the said County, assembled at the Quarter Sessions holden at *Warwick*, on the Thirteenth Day of *July* One thousand eight hundred and thirteen, and also the Grand Jury of the said County, at the Spring Assizes in the same Year, having duly considered the Propriety of procuring a better Accommodation for the Judges, were of Opinion that such Accommodation ought to be procured, and that there appears no Mode of procuring permanent suitable Accommodation for them but by the Expenditure of a considerable Sum of Money, either in the purchase, repairing, or building of some House for that Purpose: And whereas the same cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the next General Quarter Sessions of the Peace, to be holden after the passing of this Act at *Warwick*, in and for the said County of *Warwick*, and afterwards at any subsequent General Quarter Sessions of the Peace to be holden for the said County, it shall and may be lawful for the Justices of the Peace

[*Loc. & Per.*]

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Justices at
Quarter Ses-
sions enabled
to make
Orders for
providing
for

Lodgings,
&c. for
Judges.

for the said County then and there assembled, and they are hereby authorized and empowered to make such Order or Orders for the building, repairing, purchasing, providing and furnishing, in the Town of *Warwick*, any House, or any Piece of Land whereon a House may be built, with suitable Offices and Accommodations for the Residence of His Majesty's Judges at the Assizes for the said County, with their Officers and Attendants, and for transacting the Business usually transacted at the Lodgings of His Majesty's Judges during the Assizes, as to them the said Justices so assembled, or the major Part of them, shall from Time to Time appear expedient and necessary, and for paying, discharging and defraying all the Expences, Costs, and Charges of and attending the purchasing, erecting, building, providing, and furnishing of the same, and of effecting and carrying into Execution the several Purposes of this Act, by and out of the Public Stock or County Rates of the said County, subject to such Restrictions and Provisions as are herein-after contained.

The Clerk of
the Peace to
be remuner-
ated for his
Trouble in
executing the
Act.

II. And be it further enacted, That it shall be lawful for the said Justices of the Peace assembled at any General or Quarter Sessions for the said County, from Time to Time to order and direct such Salaries or Allowances to be paid, out of the Monies to be raised by virtue of this Act, to the said Clerk of the Peace, or his Deputy, for assisting in the Execution of this Act, or for executing any Rules, Orders, or Regulations to be made in pursuance thereof, as shall be thought reasonable by the said Justices.

Justices may
borrow Mo-
ney on the
Credit of the
County Rates.

III. And for the more speedy and effectually carrying into Execution the Powers of this Act, be it further enacted, That it shall be lawful for the said Justices assembled at any General Quarter Sessions of the Peace, or the major Part of such Justices, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the Whole the Sum of Fifteen thousand Pounds, on the Credit of the County Rates to be made, raised, and assessed upon and within the said County, and by Writing under their Hands and Seals, to mortgage or assign over any such Rates to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustees, as a Security for the Re-payment of any Money to be advanced for the Purposes of this Act, with Interest after the Rate of Five Pounds *per Centum per Annum*; and all Persons to whom any such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be in Proportion to the Sums in such Securities mentioned, Creditors on the said Rates equally one with another, without any Preference in respect of the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments; and every such Mortgage or Assignment shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Securities for
Money to be
transferrable.

IV. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities to be given for Money advanced for the Purposes of this Act, and their respective Executors, Administrators, or Assigns, at any Time by Writing under their Hands and Seals to transfer such Securities to any Person or Persons whomsoever; and Copies of all Mortgages and Assignments which shall be made in pursuance of this Act, and Extracts or Memorials of all Transfers thereof, shall be entered in a Book to be kept for that Purpose by the Clerk of the Peace for the said County, which Extracts or Memorials shall specify and contain the Dates, Names of the
Parties,

Parties, and the Sums of Money thereby secured, to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer, the said Clerk of the Peace shall be paid by the Person to whom such Transfer shall be made, the Sum of Five Shillings and no more; and after such Entry made of any such Transfer, every such Transfer so entered shall entitle the Person to whom the same shall be made, and his, her, and their respective Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

V. Provided always, and be it further enacted, That the Money to be expended in the purchasing, building, erecting, providing, fitting up and furnishing such House, Buildings, Offices, Accommodations, Furniture, and Appurtenances as are by this Act directed, shall not in the whole exceed the Sum of Fifteen thousand Pounds: Provided always, that it shall be lawful for the said Justices so assembled as aforesaid, to raise any further Sum or Sums of Money over and above the said Sum of Fifteen thousand Pounds, which shall be found wanting to discharge and pay all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for any Money which may be lent or advanced by any Person or Persons for that Purpose.

The Money to be expended not to exceed 15,000l.

Expences of the Act.

VI. And be it further enacted, That it shall be lawful for the said Justices so assembled as aforesaid, or the major Part of them, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with the Owners of, and Persons interested in, any Houses, Buildings, Lands, or Hereditaments which they shall judge to be proper or necessary for the Purposes of this Act, for the Purchase thereof, and by and out of the said Public Stock and County Rates of the said County, to pay, or cause to be paid, for the Purchase of such Houses, Buildings, Lands, or Hereditaments, such Sum or Sums of Money as shall be agreed upon between such Owners and Persons interested as aforesaid and the said Justices; and also the Costs and Charges attending such Agreement and Purchase as aforesaid; and upon Payment of the Money agreed to be paid for the Purchase of any such Houses, Buildings, Lands, or Hereditaments as aforesaid, it shall be lawful for the said Justices of the Peace, or any Two or more of them, their Surveyors, Workmen, or Agents, at any Time thereafter, to enter upon and take Possession of the said Houses, Buildings, Lands or Hereditaments, and the same shall be conveyed to the Clerk of the Peace for the said County of *Warwick* for the Purposes of this Act.

Justices enabled to purchase Houses and Lands for the Purposes of this Act.

VII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Husbands, Trustees, or Feoffees in Trust, Executors, Administrators, Guardians, Committees, and all other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Femmes Covert, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femmes Covert who are, or shall be seised, possessed of, or interested in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any of such Houses, Buildings, Lands, or Hereditaments, to treat, contract, and agree with the said Justices, or the major Part of them, so assembled as aforesaid, for the Sale

Bodies Politic, &c. enabled to sell.

All Contracts
to be valid.

Trustees, &c.
indemnified.

Application
of Compen-
sation when
amounting to
200l.

Sale of such Houses, Buildings, Lands or Hereditaments, and of all their Interest therein or in any Part thereof, and to convey the same to such Person or Persons for the Purposes of this Act, and in such Manner as they the said Justices, or the major Part of them, so assembled as aforesaid, shall direct, and as Occasion shall require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary in any wise notwithstanding; and all and every such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Trustees, Feoffees, Executors, Administrators, Guardians, Committees, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act.

VIII. And be it further enacted, That if any Money shall be agreed to be paid for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, or for or on Behalf of any Infant, Lunatic, Idiot, Femer Covert or other Cestuique Trust, or to any Person or Persons whose Houses, Buildings, Lands, Tenements, or Hereditaments are limited in strict and other Settlements, or to any Person or Persons under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Justices of the Peace for the County of *Warwick*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Lands, Tenements, or Hereditaments, or affecting any other Houses, Buildings, Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner, as the Houses, Buildings, Lands, Tenements, and Hereditaments which shall be so purchased as aforesaid, stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated

solidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

Application where the Compensation is less than 200l. and exceeds 20l.

X. Provided also, and be it further enacted, That when such Money so agreed to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, for the Purposes of this Act, in such Manner as the said Justices, or the major Part of them, so assembled as aforesaid, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20l.

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

The Court may order reasonable Expences of Purchases to be paid by the Justices.

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XII. And

Clerk of the Peace to give Notice to the Sheriff when the House, &c. is completed.

XII. And be it further enacted, That as soon as such House, Buildings, Offices, and Accommodations shall have been provided and furnished and put into a proper State for the Reception of His Majesty's Judges as aforesaid, it shall be lawful for the Clerk of the Peace for the County of *Warwick* for the Time being, and he is hereby required forthwith to give Notice thereof to the High Sheriff of the County of *Warwick* for the Time being; and it shall be lawful for such Sheriff or his Under Sheriff, within Eight Days previous to any Assizes to be holden for the same County, to enter upon and occupy the said House, Buildings, and Offices so to be appropriated for the Accommodation of His Majesty's Judges as aforesaid, and also the Furniture and Utensils in the same, in order that he may prepare and make ready the same for the Reception of His Majesty's Judges as aforesaid, the Clerk of the Peace or his Deputy delivering to the said Sheriff or his Under Sheriff, an Inventory or Schedule of all Furniture and Articles of Household Use appertaining to the said House and Premises, and the said Sheriff to be accountable for the due Care and Re-delivery of the same, all reasonable Damage or Loss by Wear and Tear excepted; and the said High Sheriff, Under Sheriff, and every Person or Persons to be employed by them, is and are hereby authorized and empowered to require all and every Tenant or Tenants of the said Premises, and all other Person or Persons then and there found therein, to remove and quit the same, for the Reception and Accommodation of the Judges as aforesaid; and in case of Refusal so to remove and quit, taking to his and their Assistance a Constable or Peace Officer, to displace and remove the Person or Persons so refusing, without being liable or subject to any Action for Trespass, or any Indictment for forcible Entry or otherwise for so doing.

Purchases under this Act to be vested in the Clerk of the Peace, &c.

XIII. And be it further enacted, That any House, Buildings, Offices and Accommodations, with the Appurtenances, with all Furniture therein so to be provided as aforesaid, and the Lands and Hereditaments so to be purchased as aforesaid; with their Appurtenances, shall at all Times from and after the same shall have been so erected, built, finished, fitted up and furnished, be vested in, and the same are hereby declared to be vested in the Clerk of the Peace for the said County, for the Time being, for the Purposes of this Act; and it shall be lawful for the Justices of the Peace for the said County, assembled at any General or Quarter Sessions, or the major Part of them, from Time to Time as they may think proper, to let any House, Building, Land, Furniture, and Premises to be purchased or provided under the Provisions of this Act, to any Person or Persons, from Year to Year, or for any shorter Period, for the best Rent that can be gotten for the same, nevertheless reserving the Premises for the Use of His Majesty's Judges during the Assizes, and subject to the Power herein-before given, to enter upon the same Eight Days previous thereto, and also reserving full Powers for Payment of the Rent and Recovery thereof; and the Rent to be received for the same, or so much thereof as may be requisite, shall be annually expended and applied by Order of the said Justices in defraying any Expences which may be incurred in cleaning, airing or repairing the said House, Buildings, Furniture and Premises; and in case any Surplus shall remain after such Expenditure, and after any other Payments by this Act authorized to be made, the same shall be annually paid to the Treasurer of the said County, and form Part of the Public Stock or Fund of the said County.

XIV. And

XIV. And whereas it may be necessary for effecting the Purposes of this Act, to purchase more Land or Buildings than it may be absolutely necessary to retain for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Justices so assembled as aforesaid, or the major Part of them, and they are hereby empowered from Time to Time to cause any such Land or Buildings to be sold and disposed of, together or in Parcels, either by Public Sale or Private Contract (as they shall find most advantageous and convenient), and to order the same to be conveyed by Indenture or Indentures, under the Hand and Seal of the Clerk of the Peace for the said County, to such Person or Persons as shall be willing to contract for and purchase the same, and to apply the Monies to arise by such Sale or Sales to and for the Purposes of this Act, but the Purchaser or Purchasers shall not be obliged to see to the Application of such Purchase Money, nor be accountable for the Mis-application or Non-application thereof, or of any Part thereof; and the Receipt and Receipts of the Treasurer of the said County for all such Purchase Monies, shall be a sufficient Discharge to any Person or Persons for his; her, or their Purchase Monies.

Land or Buildings not wanted, may be re-fold.

XV. And be it further enacted, That during such Time as any House, Buildings, and Offices to be provided by virtue of this Act, shall be used for the Accommodation of His Majesty's Judges at the Assizes, all and every Sum and Sums of Money allowed to the Sheriff of the said County, out of His Majesty's Exchequer for such Lodgings and Accommodations, shall be paid over by the said Sheriff to the Treasurer of the said County, to be taken and applied as Part of the Public Stock of the said County, collected under the Rates for the same County.

Allowance to Sheriff for Judges' Lodgings to be paid over to the Treasurer for the County.

XVI. And be it further enacted, That from Time to Time, and at all Times whenever such House, Buildings, Offices or Accommodations shall require Alterations, or shall become out of Repair, or any Furniture thereto belonging shall become unfit for the Use of the said Judges, then and in every such Case the said Justices so assembled as aforesaid, or the major Part of them shall, as the same may become necessary, direct the making of such Repairs and supplying of all Matters, Things, and Furniture wanting from Time to Time, and the Discharge of all Taxes and Demands upon the said House, Buildings, and Hereditaments; and it shall be lawful for such Justices, or the major Part of them, and they are hereby authorized to direct that such Sum or Sums as shall be expended in the Repairs or Supply of such Matters, Things, or Furniture as may from Time to Time become necessary as aforesaid, if the Rent of the said Premises shall not be sufficient for that Purpose, to be defrayed by the Treasurer of the said County, out of any Money in his Hands of any County Rate, or to make any Rate for that Purpose; and the Treasurer of the said County is hereby authorized and required to pay any Sum of Money so ordered by such Justices, and such Order shall be a sufficient Authority or Discharge to the said Treasurer for such Money; and that it shall be lawful for the said Justices to appoint a proper Person, with a competent Salary and Allowance, to take Care of the said House, Buildings, and Offices, and to have the Charge of the Furniture being in the said House; and also it shall be lawful for the said Justices to order the said House, Buildings, and Offices, and Furniture to be insured from Fire, and the Sum or Sums of Money so to be expended, and all Charges incident thereto, to be defrayed

How the Repairs are to be made, &c.

and paid out of the said County Rates in Manner aforesaid, or out of any Rents which may be received for the said House and Premises.

ACTIONS, &c.
to be in the
Name of the
Clerk of the
Peace.

XVII. And be it further enacted, That the Clerk of the Peace for the Time being for the said County, may sue and be sued for or in respect of any Claim, Contract or other Matter or Thing made or done, or to be made or done, or in any way arising under the Authority of this Act, in any Court or Courts of Law or Equity; and that no Action or Suit, to be brought or commenced by or against the said Clerk of the Peace by virtue of this Act, shall abate or be discontinued by the Death or Removal of such Clerk of the Peace, or by any Act of the said Clerk of the Peace, done without the Consent of the said Justices, but such Clerk of the Peace for the Time being shall always be deemed the Plaintiff or Defendant in such Action or Suit nominally, but the same shall be carried on and defended under the Direction of the said Justices, or the major Part of them so assembled as aforesaid, and the Damages (if any) shall be levied, and also all Expences be by them defrayed in like Manner as the other Charges under this Act; and the said House, Buildings, Offices, Furniture, and Appurtenances, and all Furniture, Articles, Matters, and Things therein or thereunto belonging, or any Land or Hereditaments purchased by virtue of this Act, shall in any Indictment or Indictments be laid, alleged, and described to be the Property of the said Clerk of the Peace for the Time being, and under the Style and Description of "The Clerk of the Peace for the County of *Warwick*:" Provided also, that in all and every Action or Actions, Suit or Suits, to be brought and commenced as aforesaid, no Person or Persons whomsoever shall be deemed incompetent to give Evidence by Reason of his, her, or their paying or contributing towards the Public Stock of the said County, or by Reason of his, her, or their being charged with or liable to pay any of the Public Rates of the said County.

Limitation of
Actions.

XVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance or by virtue of this Act, after Six Months next after the Fact committed or Cause of Action accrued, for which such Action or Suit shall be so brought, and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon.

Public Act.

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