



ANNO TERTIO

# GEORGII IV. REGIS.

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## *Cap. ciii.*

An Act for raising Money on the Credit of the County Rates, for the Purpose of rebuilding and repairing certain Bridges in the County of *Westmorland*.  
[15th July 1822.]

**W**HEREAS several Bridges within the County of *Westmorland* have been lately swept away by Floods, and others materially injured, which have hitherto been supported by and at the Expence of the Inhabitants of the said County of *Westmorland*, or of some separate Division or Ward, or Divisions or Wards, within the same: And whereas it is necessary to rebuild and repair the same, and it may also be necessary in future to rebuild and repair Bridges under like Circumstances within the said County, which cannot be done without being very burthensome on the Occupier of Land and others the Contributors to the County Rates, in case the Expences thereof should be raised by the ordinary Method of levying the said Rates; and it is therefore expedient that the Justices of the Peace for the said County should be enabled forthwith to raise Money, by way of Mortgage of the Rates or County Stock of the said County, or of the said Divisions or Wards thereof, the same to be paid off in a certain Term of Years by Instalments, in manner herein-after mentioned; but the same cannot be effected and carried into Execution, without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the

[Local.] 38 Z King's

Power for the  
Justices of  
the Peace to  
raise Money  
by Mortgage  
of County  
Rates.

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 from and immediately after the passing of this Act, it shall and may be lawful to and for the Justices of the Peace for the said County of *Westmorland*, or the major Part of them, assembled at any of their General or Quarter Sessions of the Peace to be holden for the said County, or at any Adjournment thereof, and they are hereby authorized and empowered from Time to Time, as often as it shall appear to them that the Amount of any Estimate approved by them for the rebuilding and repairing the several Bridges in the said County shall exceed the Amount of the ordinary annual Assessment for the County Rate for the said County, in Cases where the said County shall be liable to rebuild and repair the said Bridges, or shall exceed the Amount of the said ordinary annual Assessment of any separate Division or Ward, or Divisions or Wards, within the said County, in Cases where such separate Division or Ward, or Divisions or Wards, shall be liable to rebuild and repair the said Bridges, (such ordinary Assessment to be taken on a mean Proportion of the said respective Rates for the last Five Years preceding), that then and in such respective Cases it shall and may be lawful for the Justices of the Peace within the respective Limits of their Commissions, so assembled in their Quarter Sessions as aforesaid, from Time to Time to borrow and take up on Mortgage of the Rates herein mentioned, by Instruments in the Form contained in the Schedule hereunto annexed (No. I.), or to that or the like Effect, any Sums not less than Fifty Pounds each, at legal or lower Interest, as to them or the major Part of them (such major Part not being less than Three) shall appear necessary and expedient for the Purposes aforesaid, and to secure all and every such Sum and Sums of Money so borrowed upon the Credit of the Rates to be raised upon the said County respectively; and the said Justices so assembled as aforesaid are hereby authorized to treat and agree with any Person or Persons for the Loan of any such Sum or Sums of Money, and by their Order to confirm and establish every such Agreement as aforesaid; and every such Agreement so established by such Order, and signed by the Chairman and Two or more Justices present at the Time of making such Order, shall be and the same is hereby declared to be effectual for securing to the Person or Persons so advancing any Sum or Sums of Money, his, her, or their Executors, Administrators, and Assigns, all and every such Sum or Sums of Money, with Interest for the same, on such Terms as in and by such Agreement or Agreements respectively shall be for that Purpose stipulated; and all and every Person and Persons to whom any such Security or Securities shall be made, or who shall be entitled to the Money thereby secured, is and are hereby empowered (by Indorsement on the Back of such Security or Securities, under the Hand and Seal of such Person or Persons respectively, attested by One credible Witness, and in the Form contained in the Schedule hereunto annexed, No. II.) to transfer and assign the same, and his, her, or their Right to the principal Money and Interest thereby secured, unto any Person or Persons; and every such Assignee may in like Manner transfer the same again, and so *toties quoties*, for which Transfer the Clerk of the Peace for the said County, or other proper Officer,

Officer, shall be paid the Sum of Two Shillings and Sixpence, and no more; and the Person or Persons to whom such Security or Securities, or any such Assignment thereof shall be made, and his, her, or their respective Executors, Administrators, and Assigns, shall be Creditors upon the said Rates in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced; and the said Securities and Assignments shall be numbered in Order of Succession in which they shall be granted; and Copies or Extracts of all such Agreements, Securities, or Assignments shall be kept with the Clerk of the Peace, or other proper Officer having the Custody of the Records of the Quarter Sessions of the said County respectively.

II. And be it further enacted, That the said Justices are hereby authorized and required, not only to charge the Rates to be raised upon the said County, or upon such separate Division or Ward, or Divisions or Wards, of the said County, with the Interest of the Money so borrowed on such Securities, but also with the Payment of a further Sum equal at least to the Sum so charged for the Interest of such Securities, which said Sums shall be assessed on the said County, or upon such separate Division or Ward, or Divisions or Wards of the said County, in such manner as County Rates are or may be directed to be assessed by Law, and the same shall be paid and applied under the Direction of the said Justices in discharge of the Interest, and of so much of the Principal Sums borrowed on the said Securities as such Money will extend to discharge in each Year, until the Whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the said Justices are required to fix Two Days in each Year on which such Payment shall by equal half-yearly Portions be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act, in a Book or Books, separate and apart from all other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing due and what Principal Money has been discharged, and what remains due; and the said Book or Books so adjusted and settled to deliver into Court at every General Annual or *Michaelmas* Quarter Sessions, or Adjournment thereof, to be held for the said County; and the said Justices are required, at every such Sessions, carefully to inspect all such Accounts, and make Orders for carrying the several Purposes of this Act into Execution, in such Manner as to them shall seem meet; and if at any Time it shall appear to the said Justices that the Person so appointed has neglected the said Order, and has not duly and without Delay applied the Money in his Hands to the Purposes hereby directed, such Person shall forfeit Double the Amount of the Money which shall not have been applied to the Purposes of this Act, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices; and the said Penalty, after the Charges of recovering the same shall be paid to the Treasurer of the said County, to be applied towards the Payment of the Sums so borrowed as aforesaid, or of the Interest thereof; and the

For charging the Rate to the Amount therein specified.

Accounts to be kept of Receipts of Payments.

the said Justices, on a Day and Hour to be fixed at some General Quarter or Annual Sessions of the Peace, to be holden for the said County, (of which Fourteen Days public Notice shall be given as aforesaid), shall in open Court cause all the said several Securities to be drawn by Lot, and numbered for Payment according to the Event of such Drawing, and the Securities so drawn and numbered shall be regularly discharged in Succession, according to Priority of such drawn Number.

Paying Money within a limited Time.

III. Provided always, and be it further enacted, That the Justices of the Peace in their respective Quarter Sessions shall and they are hereby required to make Provisions by means of the Rates (which they are hereby authorized to make), and by their Orders and Directions (which they are hereby authorized to give), in such manner that the whole Money to be borrowed under the Authority of this Act shall be fully paid and discharged within a Time to be limited, not exceeding Fourteen Years from the Time of borrowing the same.

Notice to be given before Actions are brought.

IV. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Ten Days before such Action shall be commenced, of such intended Action, signed by the Plaintiff or Plaintiffs' Attorney, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Justices may be sued in the Name of One of them, or their Clerk.

V. And be it further enacted, That the said Justices may sue and be sued for or in respect of any Claim, Contract, or other Matter or Thing made or done by them, or any of them, under the Authority of this Act, in any Court or Courts of Law or Equity, in the Name or Names of any One or more of them, or in the Name of their Clerk for the Time being; and no Action or Suit to be brought or commenced by or against the said Justices, or any of them, or against their Clerk, by virtue of this Act, in his or their Name or Names, or in the Name of their Clerk for the Time being, shall abate or be discontinued by the Death or Removal of such Justice or Justices, or Clerk, or by any Act of the said Justice or Justices, or Clerk for the Time being, done without the Consent of the said Justices for the Time being, but that such Justice or Justices, or Clerk for the Time being, shall always be deemed the Plaintiff or Plaintiffs, Defendant

or

or Defendants in such Action or Suit nominally, but to be carried on and defended under the Direction of the said Justices, and the Expences to be by them ordered, to be defrayed in like Manner as the other Charges under this Act: Provided always, that every such Justice or Justices, or Clerk, in whose Name or Names any such Action or Suit shall be brought as aforesaid, shall be reimbursed and paid out of the County Rates or County Stock of the said County, or of the Divisions or Wards thereof, all such Costs, Charges, and Expences as he or they shall be put unto, or become chargeable with, by reason of his or their being made a Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid.

VI. Provided always, and be it further enacted, That in every Action or Suit 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 of the Divisions or Wards thereof; or by reason of his, her, or their being charged with or liable to pay any of the County Rates of the said County, Divisions, or Wards, or any of them.

Persons good Witnesses, though they pay County Rates.

VII. Provided always, and be it further enacted, That every Tenant or Occupier of Messuages, Mills, Lands, Tithes, Tenements, and Hereditaments, paying such Rate made and levied as aforesaid, for the Discharge of the Principal and Interest of the Sums borrowed under the Authority of this Act, shall and may deduct and retain out of the Rent payable to his Landlord, for the Premises in respect of which such Rate is payable, the full Amount of Two-third Parts of all and every Sum and Sums of Money so collected and paid, it being the Intent and Meaning of this Act, that Two-third Parts of such Rate shall be borne by the Landlord, and the remaining One-third Part only by the Tenant or Occupier; and every Landlord and Owner of such Messuages, Mills, Lands, Tithes, Tenements, and Hereditaments, shall and are hereby required to allow and make such respective Deductions and Payments accordingly; and every such Tenant or Occupier paying such Part of the said Rates as are herein-before directed to be borne by the Landlord, or on whom the same shall have been levied, shall be and is hereby acquitted, exonerated, and discharged of and from so much Money as the same shall amount unto, as fully and effectually as if the same had been actually paid unto such Landlord or Landlords, in Part of the Rent due from such Tenant.

Two-thirds of the Rate to be paid by Landlord and One-third by Tenant.

VIII. And be it further enacted and declared, That all and every the Clauses, Powers, Directions, Provisions, and Authorities contained in an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the more easy assessing, collecting, and levying of County Rates*; also of an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of His late Majesty King *George* the Second, for the more easy assessing, collecting, and levying of County Rates*; also of an Act passed in the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, inti-

Powers of 12 G. 2. c. 29. 55 G. 3. c. 51. 56 G. 3. c. 49. and 57 G. 3. c. 94. extended to this Act.

tuled *An Act to explain and amend an Act passed in the last Session of Parliament, for the more easy assessing, collecting, and levying of County Rates*; and also of an Act passed in the Fifty-seventh Year of the Reign of His said late Majesty King George the Third, intituled *An Act to amend an Act of the last Session of Parliament, for the more easy assessing of County Rates*, (save and except such Parts thereof respectively as are by this Act varied or altered), shall be good, valid, and effectual for carrying this Act into Execution.

Application  
of Money to  
be raised.

IX. And be it further enacted, That all the Costs, Charges, and Expences of procuring, obtaining, and passing this Act, shall be borne and paid by and out of the County Rates or County Stock of the said County, Divisions, or Wards, in preference to all other Payments whatsoever; and after such Payment as aforesaid, the Money hereby authorized and directed to be raised as aforesaid shall be applied by the said Justices in rebuilding, repairing, and supporting the several Bridges aforesaid, and to no other Use or Purpose whatsoever.

Public Act.

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

The SCHEDULES referred to by the foregoing Act.

SCHEDULE, No. I.

FORM of MORTGAGE and CHARGE upon the County Rates for securing the Money borrowed.

WE *A. B.* One of His Majesty's Justices of the Peace and Chairman of the Court of Quarter Sessions of the Peace acting for the County of *Westmorland*, holden at [*or, by Adjournment at*]  
[*as the Case may be*] the \_\_\_\_\_ Day  
of \_\_\_\_\_ *C. D.* and *E. F.* Esquires, Two other of His Majesty's Justices of the Peace acting for the said County, and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, etc.* [*here insert the Title of this Act*] Do hereby in open Court mortgage and charge all the Rates to be raised within the said County, [*or, within Ward or Wards within the said County, as the Case shall be*] under the Description of County Rates by the Laws now in being, with the Payment of the Sum of \_\_\_\_\_ which *G. H.* of \_\_\_\_\_ hath proposed and agreed to lend, and  
3 \_\_\_\_\_ hath

hath now actually advanced and paid towards defraying the Expences of rebuilding and repairing the Bridges within the said County, [*or, Ward or Wards of the said County, as the Case may be*]; and we do hereby confirm and establish the same unto the said *G. H.* his [*or, her*] Executors, Administrators, and Assigns, for securing the Repayment of the said Sum of \_\_\_\_\_ and Interest for the same, after the Rate of \_\_\_\_\_ *per Centum per Annum*, and do order the Treasurer for such County, [*or, High Constable or Constables of such Ward or Wards, as the Case shall be*] to pay the Interest of the said Sum of \_\_\_\_\_ Half-yearly, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

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SCHEDULE, No. II.

**I** DO transfer the within Mortgage, and all Principal and Interest now due thereon, unto \_\_\_\_\_ Executors, Administrators, and Assigns.

Witness my Hand and Seal, this \_\_\_\_\_ Day  
of \_\_\_\_\_

Witness

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1822.

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