



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. lxxvii.

An Act for building a new Gaol for the Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in the County of *Northampton*, and for other Purposes connected therewith. [4th July 1839.]

WHEREAS the present Common Gaol in and for the Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in the County of *Northampton*, situate in the *Minster Yard* in the City or Borough of *Saint Peter* otherwise *Peterborough*, and also the present House of Correction for the said Liberty or Soke and Hundred, situate in or adjoining to *Cumbergate Street* in the Parish of *Saint John* the Baptist in the said City, are distinct and separate Buildings of great Antiquity, inconveniently situated, too small, and not properly constructed for the Reception, Confinement, and Classification of the Prisoners usually confined therein: And whereas it is highly expedient, and would be of great public Utility, if a new Gaol and House of Correction, to be consolidated and comprised in one and the same Building, for the Reception and Confinement of all such Offenders or Persons as are usually confined in the said present Gaol and House of Correction, with all necessary Conveniences, were speedily erected and built or provided in a more open and airy or some other Part of the said City or Borough of *Saint Peter* otherwise *Peterborough*, or on Land adjoining thereto within the said Liberty

[Local.]

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or

Power to
Justices to
erect a new
Gaol.

or Soke of *Peterborough* and Hundred of *Nassaburgh*, and Provision made for the Separation, Employment, and Regulation of the Prisoners to be confined therein; but the several Objects aforesaid cannot be effected by the Laws now in force, and it is necessary, for that Purpose, to have the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 after the passing of this Act it shall and may be lawful to and for the Justices of the Peace for the Time being acting in and for the Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in the County of *Northampton* to erect and build, or cause to be erected and built, a proper and sufficient new Common Gaol and House of Correction for the said Liberty or Soke and Hundred, with convenient Apartments for the Reception of Debtors, Criminals, and others, with proper and sufficient Yards, Courts, Out-offices and other Conveniences, and also an Infirmary or Apartment for sick and infirm Prisoners, and a Chapel for the Performance of Divine Service, together with a convenient Residence for the Gaoler or other Officer, and also to lay out, design, assign, and appoint how and in what Manner the said Gaol and House of Correction, and other Erections and Buildings, and the Yards, Courts, Out-offices, and other Conveniences to the same, shall be built, erected, and made, and with what Materials, and on what particular Site and Situation the same shall be built, and how and in what Manner the same shall be supplied with Water, cleansed, and drained, and how the said Gaol and House of Correction, and the several Buildings, Courts, Yards, Out-offices, and the Conveniences to the same respectively may and shall, from Time to Time, be preserved and kept in good Repair and Order, and to purchase Goods and other Effects for furnishing the same, and to make Contracts and Agreements for and concerning the same, and to do all other Matters and Things requisite and necessary for carrying on and effecting the Purposes directed by this Act to be done, and for causing the same effectually to be perfected, as to them shall seem meet.

Justices
empowered
to purchase
Lands for
Site of new
Gaol.

II. And be it further enacted, That it shall be lawful for the said Justices, or any Four of them, and they are hereby authorized and empowered to contract with any Person or Persons for the absolute Purchase in Fee Simple of the Pieces or Parcels of Ground, Lands, Tenements, or Hereditaments mentioned or comprised in the First Schedule hereunto annexed, or any of them, or any Part thereof, and to take and use the same for the Purposes of this Act, first making or tendering Satisfaction in manner herein-after mentioned to the Owners or Proprietors, Lessees and Occupiers of such Lands, Grounds, Houses, Buildings, Tenements, or Hereditaments: Provided always, that it shall be lawful for the said Justices, or any Four of them, to contract for and purchase any Lands, Tenements, or Hereditaments within the Liberty or Soke of *Peterborough* or Hundred of *Nassaburgh* (not mentioned in the said Schedule) which may appear to them proper or convenient for the Uses and Purposes of this Act, the Owners or Proprietors whereof, or other
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the Parties herein-after capacitated to contract and convey the same, shall be willing or desirous to sell the same: Provided also, that the Quantity of Land or Grounds to be purchased, taken, or used for the Purposes of this Act shall not exceed in the whole Five Acres; and such Pieces or Parcels of Land or Ground, and Houses or Buildings respectively, shall be conveyed to the Clerk of the Peace for the said Liberty or Soke and Hundred, and his Successors, for the Uses and Purposes of this Act, or to such Person or Persons as the Justices of the Peace for the Time being acting in and for the said Liberty or Soke and Hundred, or the major Part of them, at some General Quarter Sessions for the said Liberty or Soke and Hundred, or at any Adjournment of the same, assembled, shall nominate and appoint, in Trust for the said Justices of the Peace for the said Liberty or Soke and Hundred, and their Successors, for the Uses and Purposes of this Act.

III. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Committees, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, and not to be found, and for and on behalf of their respective Wives, Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Mind, and to and for all Femes Covert who are or shall be seised or interested in their own Right or entitled to Dower or other Interest, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in the said Pieces or Parcels of Land or Ground and Premises mentioned or comprised in the said Schedule, or in any other Lands, Tenements, or Hereditaments which may be deemed convenient for the Purposes of this Act as aforesaid, or for the more effectually carrying the same into execution, to contract and agree with the said Justices for the Sale thereof, or of their Interest therein; and they are hereby respectively required and directed so to contract and agree, and to convey the same unto the said Clerk of the Peace, or to such Person or Persons as the said Justices shall appoint, in Trust as aforesaid, for the Use and Purposes and according to the Intent and Meaning of this Act; and all Conveyances of Lands, Tenements, or Hereditaments required for the Purposes of this Act may be (unless where the said Justices are advised that the same is not applicable, or where it may be necessary to insert particular Covenants, Conditions, or Agreements,) according to the following Form, or as near thereto as Circumstances will admit; (that is to say,)

‘ I *A. B.* of _____ in consideration of the Bodies Politic enabled to sell.
 ‘ Sum of _____ paid by the Justices acting by virtue of Form of Conveyance.
 ‘ an Act passed in the Second Year of the Reign of Her present
 ‘ Majesty Queen *Victoria*, intituled *An Act* [*here insert the Title of*
 ‘ *this Act*], do hereby grant and release [*or assign, as the Case may*
 ‘ *be,*]

‘ *be,*] to [naming him] Clerk of the Peace for the
 ‘ Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in
 ‘ the County of *Northampton*, and his Successors, in Trust for the
 ‘ Uses and Purposes of the said Act [or such other Person, naming
 ‘ him, as the said Justices may appoint, as the Case may be], all [here
 ‘ describe the Premises], and all and every the Estate, Right, Title,
 ‘ and Interest of, in, and to the same, and every Part thereof, which
 ‘ I am entitled to, or by the said Act or otherwise am capacitated
 ‘ or authorized to convey, to hold the same to the said
 ‘ [naming him] and his Successors [or the Person nominated by the
 ‘ said Justices] for ever, according to the true Intent and Meaning of
 ‘ the said Act. In witness whereof I have hereunto set my Hand and
 ‘ Seal, this Day of in the Year of our Lord
 ‘ One thousand eight hundred and .’

And all such Conveyances as aforesaid shall be valid and effectual to all Intents and Purposes, and shall operate to bar and destroy all Estates Tail, and all other Estates, Rights, Titles, Trusts, and Interests whatsoever, and to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest conveyed or alienated, except where an express Assignment shall be made thereof for the Benefit of the said Justices, and the Terms so merged shall nevertheless in Equity afford the same Protection to the Title of the said Justices as if they had been specially assigned for that Purpose, any Law, Statute, Settlement, Limitation, or other Matter or Thing whatsoever to the contrary of the several Provisions aforesaid in anywise notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Person or Persons having a qualified or partial Estate or Interest, Husbands, Guardians, Feoffees, Executors, Administrators, Committees, and Trustees, and all other Persons, shall be and are hereby indemnified for conveying the same and for what they shall do in pursuance of this Act.

Indemnifica-
tion to Par-
ties convey-
ing.

In case
Parties dis-
agree, the
Value to be
ascertained
by a Jury.

IV. And be it further enacted, That in case any such Body Politic, Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Tenants for Life or in Tail, or Person or Persons having a qualified or partial Estate or Interest, Husbands, Guardians, Feoffees, Executors, Administrators, Committees, Trustees, or any other Person or Persons interested in the said Pieces or Parcels of Land or Ground, Tenements, or Hereditaments, mentioned or described in the said Schedule, or any Part or Parts thereof, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, Ecclesiastical, or Civil, in Cases where such Person or Persons are residing out of the United Kingdom, or cannot be found, or at the House of the Tenants in Possession, shall refuse to contract, or shall, for the Space of Fourteen Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or other Impediment or Disability shall be prevented from treating, then and in every such Case the said Justices shall cause the Value of such Lands, Tenements, Hereditaments, and
 1 Premises,

Premises, and what Damages or Injury will be sustained by and what Recompence and Satisfaction shall be made to the Person and Persons interested, for and on account of the taking of such Pieces or Parcels of Land or Ground and Hereditaments, or any of them, or any Part thereof, for the Purposes aforesaid, to be inquired into and ascertained by a Special Jury of Twelve indifferent Men of the County of *Northampton*, qualified to serve on Juries for the Trial of Issues in Her Majesty's Courts of Record at *Westminster*; and in order thereto the said Justices, or any Four of them, are hereby empowered and required from Time to Time, as Occasion shall be, to summon and call before such Jury, and to examine upon Oath, or Affirmation being Quakers, any Person or Persons whomsoever; and such Justices shall, by ordering a View or otherwise, use all Ways and Means, as well for their own Information as for the Information of the said Jury, in the Premises; and after the said Jury shall have inquired of and assessed the Value of such Lands, Tenements, Hereditaments, and Premises respectively, and such Recompence and Satisfaction as aforesaid, they the said Justices shall order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to or on account of the said Owners, Lessees, and other Persons interested in such Lands, Tenements, Hereditaments, and Premises respectively, according to the Verdict and Inquisition of such Jury; and for summoning and returning such Juries the said Justices, or any Four of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Northampton*, requiring him, or to the Bailiff of the said Liberty of *Peterborough*, requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Special Juries, to appear before the said Justices at such Time and Place as in such Warrant or Warrants shall be appointed, such Time not being less than Fourteen Days nor more than Twenty-eight Days after such Warrant shall be served upon the said Sheriff or Bailiff; and Fourteen Days Notice at the least, in Writing under the Hands of the said Justices, or any Four of them, is hereby required to be given to such Person or Persons interested in the said Piece or Parcel of Land or Ground and Hereditaments, of the Time and Place of the said Jury being so impanelled, summoned, and returned; and such Sheriff or Bailiff is hereby required accordingly to impanel, summon, and return such Number of Persons; and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Justices shall and they are hereby empowered and required to swear or cause to be sworn, or in case of Quakers to require the Affirmation of, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned such Sheriff, or the Under Sheriff or Under Sheriffs, Bailiff or Bailiffs, or the said Justices, shall return other honest and indifferent Men of the Standers-by or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they shall come to be sworn; and the said Justices shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, Under Sheriff, or Bailiff, making default in the Premises, and on any of the Persons who shall

Persons may
be examined
upon Oath.

Sheriff to
summon.

Jurors to be
sworn.

Jurors may
be chal-
lenged.

Justices may
fine Sheriffs,
&c.

[Local.]

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be summoned and returned upon such Jury and shall not appear without some sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or make Affirmation being Quakers, or being so sworn or being so affirmed shall refuse to give or not give a Verdict, or shall in any other Manner wilfully neglect their Duty, contrary to the true Intent and Meaning of this Act; and if any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear without some sufficient Excuse, or appearing shall refuse to be sworn, or to make Affirmation being Quakers, or to be examined, or to give Evidence, so that no such Fine be more than Twenty Pounds on any such Sheriff, Under Sheriff, nor more than Ten Pounds on any other Person, for One Offence: Provided always, that in every such Inquiry the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to.

Purchase Money and Compensation to be apportioned.

V. And be it further enacted, That the said Juries shall and they are hereby respectively empowered (if thereunto required) to apportion the Amount of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid among the several Parties interested in any Manner in the Premises according to the Amount of their respective Interests therein, and the proportionate Amount of Loss, Injury, or Damage which they may respectively sustain.

Verdicts to be recorded by the Clerk of the Peace.

VI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the Justices presiding at the taking of such Verdict or Verdicts and pronouncing such Judgment or Judgments respectively, shall be kept by the Clerk of the Peace for the said Liberty or Soke and Hundred amongst the Records of the Quarter Sessions, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall be at liberty to inspect the same, paying to such Clerk of the Peace for each Inspection the Sum of One Shilling, and shall be entitled to be furnished with Copies thereof, paying to the said Clerk of the Peace for every Copy after the Rate of Sixpence for every One hundred Words.

Jurors to be under the same Regulation as in the Superior Courts; and Persons giving false Evidence may be prosecuted for Perjury.

VII. And be it further enacted, That every such Jury and Jurymen as aforesaid shall, in addition to the Penalties hereby inflicted, also be subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen had been returned for the Trial of any Issue in any of Her Majesty's Courts of Record at *Westminster*; and all Persons who, in any Examination to be taken upon Oath or Affirmation by virtue of this Act, shall wilfully and corruptly give false Evidence or otherwise forswear themselves before any such Jury, or before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

VIII. And

VIII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Justices for the Purchase of any Lands, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Satisfaction for any Damage or Loss which may happen or arise in or be occasioned by the Execution of any of the Powers of this Act, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, and the Fees and Expences of the Attendance of One Counsel, shall be defrayed by the said Justices out of the Money arising by virtue of this Act; and such Costs, Charges, and Expences shall be settled and determined by the Sheriff or his Under Sheriff, or the Bailiff, who shall have summoned the said Jury; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Twenty Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the Treasurer of the said Liberty or Soke and Hundred, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for such Liberty or Soke and Hundred, which Warrant any such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for the same or a less Sum than shall have been previously offered or tendered by or on behalf of the said Justices, then and in every such Case one Half of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Justices shall have had such Controversy or Dispute, and the other Half thereof shall be defrayed by the said Justices out of the Monies to be raised under this Act; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace of such Liberty or Soke and Hundred in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Justices in manner aforesaid.

Expences of Jury, &c. how to be defrayed.

IX. And be it further enacted, That in case the Amount of any Compensation claimed under the Provisions herein-before contained shall not be agreed upon, and the Claim made in respect thereof shall

Compensation not exceeding 20*l.* may be settled by not

Two Justices
of the
County.

not exceed the Sum of Twenty Pounds, the same shall be ascertained and determined by any Two or more Justices of the Peace for the County of *Northampton*, on Application to them for that Purpose by both or either of the Parties, and the Amount so determined shall be paid accordingly.

Application
of Compen-
sation Money
when amount-
ing to 200*l*.

X. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any Disability or Incapacity, as herein-before mentioned, 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 Justices of the Peace for building a new Gaol in and for the Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in the County of *Northampton*," together with the Name or Names of such Person or Persons as the said Justices shall by Writing signed by them direct or appoint, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King

1 G. 4. c. 35. *George* the Fourth, intituled *An Act for the better securing the 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 Rules of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other 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 and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said

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

XI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Husband, Guardian or Guardians, Committee or Committees, in case of Coverture, Infancy, or Idiocy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, 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 the said Justices, (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 and Interest arising therefrom, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When less than 200*l.*, and not less than 20*l.*

XII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than 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 Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Justices shall think fit; or in case of Coverture, Infancy, Idiocy, or Lunacy, then to his, her, or their Husband, Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20*l.*

XIII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Justices, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered,

In case of not making good Titles, or in case Persons cannot be found, Purchase Money to be paid into the Bank.

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then and in every such Case it shall and may be lawful for the said Justices to order the said Sum or Sums so awarded to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and 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, or to order Distribution thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Cashier of the Bank of England to give a Receipt for such Money

Where any Question shall arise touching the Title to Money to be paid, the Person in Possession shall be deemed entitled thereto.

XIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall be in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, 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 Lands, Tenements, 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 to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Exchequer may order reasonable Costs and Expences of Purchases to be paid by the Justices.

XV. And be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act; the Purchase Money for any Lands, Tenements, or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending the Purchase or the taking or using of

of such Lands, Tenements, or Hereditaments; or which may be incurred in consequence thereof; and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Re-investment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands, Tenements, or Hereditaments; to be paid by the said Justices out of the Monies to be raised by virtue of this Act, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interests of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and also for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid; and the said Justices shall from Time to Time pay, out of the Monies to be raised by virtue of this Act, such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

XVI. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any Lands, Tenements, or Hereditaments which shall be purchased or taken by the said Justices for the Purposes of this Act, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying such Title as the said Justices may require to the said Lands, Tenements, or Hereditaments, Terms or Interests, and of making out and furnishing such Abstracts and such attested Copies as the said Parties may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Justices out of the Monies to be raised by virtue of this Act; and the said Justices, before entering into Possession of the Lands, Tenements, or Hereditaments so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or, in case there shall be any Dispute about the same, shall obtain such Order as herein-after mentioned for the Taxation thereof, and shall not be at liberty to enter upon or to retain any such Lands while any such Costs, Charges, or Expences ascertained to be due from them, shall remain unpaid: Provided always, that the said Justices shall not be prevented from entering into Possession of the Lands Tenements, or Hereditaments so purchased by reason of the Non-payment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, unless the Party or Parties from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Justices, deliver a Bill of their said Costs, Charges, and Expences to the said Justices:

Costs of making out Titles to be paid by the Justices.

XVII. And be it further enacted, That if the said Justices and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the Court of Exchequer; and it shall be lawful for the said Court, on

Providing for Taxation of such Costs.

Petition

Petition to be presented by the said Justices, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court, to be taxed in the usual Manner, who shall be at liberty to proceed under the same, and such Order shall be served on the Party or Parties aforesaid; and after Taxation of such Costs, Charges, and Expences it shall be lawful for the said Court to order and direct that the Amount at which the same shall be so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Justices, shall be paid by them accordingly, out of the Monies to be raised by virtue of this Act, to the Person or Persons entitled thereto, and the same shall be paid by the said Justices to such Person or Persons accordingly: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Justices out of the Monies to be raised by virtue of this Act, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expences shall be paid and borne by the Person from whom the said Lands were purchased or taken, or claiming the said disallowed Costs.

Power to enter and take possession of Lands &c. on Payment or Tender of Purchase Money.

XVIII. And be it further enacted, That, upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or determined and adjusted by any Jury or Juries, in manner aforesaid, for the Purchase of any such Lands, Tenements, and Hereditaments, to the Proprietor or Proprietors thereof, or such other Person or Persons as shall be interested therein, or entitled to receive such Sum or Sums of Money, at any Time after the same shall have been so agreed for, determined, or awarded, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Justices, then upon Payment of the said Sum or Sums of Money into the Bank of *England* as herein directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Justices, and their Agents, Servants, and Workmen, immediately and at any Time or Times to enter upon such Lands, Tenements, or Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Clerk of the Peace for the said Liberty or Soke and Hundred, and his Successors, or such other Person or Persons as the said Justices shall appoint, to and for the Uses and Purposes of this Act; and such Payment, Tender, or Investiture shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to or for whom the same shall or ought to have been made, but shall also extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his or their Issue, and of every Person interested therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *Eng-*
land

land as aforesaid shall have been made it shall not be lawful for the said Justices, or for any Person acting under their Authority, to enter upon such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, without the previous Consent of the Owners, Lessees, and Occupiers thereof respectively: Provided always, that it shall not be lawful for the said Justices to make such Entry, after Demand made of such Purchase Money or Compensation by the Party or Parties entitled thereto, and Default made by the said Justices in Payment thereof for the Space of Twenty-one Days after such Demand, unless such Payment shall be delayed by the Acts, Neglect, or Default of the Party or Parties entitled thereto.

XIX. And be it further enacted, That where any Hereditaments purchased or intended to be purchased by the said Justices for the Purposes of this Act shall be subject, solely, or jointly with other Hereditaments not so purchased or intended to be purchased, to or charged with any Rent-service, Rent-charge, or Chief Rent, or other Rent, or other Payment or Incumbrance, it shall be lawful for the said Justices, or any Four of them, to require and to agree for the Release of such Hereditaments so purchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance, for such Consideration in Money as shall be agreed upon between the said Justices and the Party who under the Provisions of this Act shall agree to sell or apportion the same (and which Agreement may be entered into by all Corporations and other Persons by this Act authorized and empowered to sell and convey any Hereditaments); and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or the Apportionment thereof, the same shall be determined and decided by a Jury, if required, in like Manner as the Price of Lands, Tenements, and Hereditaments is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Hereditaments purchased or intended to be purchased, and shall also, where necessary or convenient, apportion the Rent, Payment, or Incumbrance affecting the Hereditaments jointly subject to such Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Hereditaments purchased or intended to be purchased and of the Hereditaments not intended to be purchased by the said Justices; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Justices, the said Clerk of the Peace, or other Person by them in that Behalf authorized, and any such Person as aforesaid, respecting such Release, (and which may be of the like Form or to the like Effect, *mutatis mutandis*, as by this Act is directed or authorized to be used in the case of Conveyances of Lands, Tenements or Hereditaments,) shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance, as the Case may be: Provided always, that when the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Hereditaments so jointly subject and the same shall in fact be a sufficient Security for such

Power to Purchase the Release of Rents affecting the Hereditaments taken.

Rent, Payment, or Incumbrance, and shall be willing to release the Hereditaments so purchased or intended to be purchased by the said Justices therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Hereditaments so purchased or intended to be purchased therefrom, with the Consent of the Owner of the Hereditaments so jointly subject as aforesaid, such Owner not being under legal Disability or Incapacity, to release the Hereditaments so purchased or intended to be purchased from the Rent, Payment, or Incumbrance so affecting the same jointly with other Hereditaments as aforesaid, on condition or in consideration of such other Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Hereditaments so purchased or intended to be purchased shall be released, by means of any such Apportionment as aforesaid, from any Rent, Payment, or Incumbrance affecting the same jointly with other Hereditaments not purchased or intended to be purchased by the said Justices, such last-mentioned Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Hereditaments not so purchased or intended to be purchased had been originally charged with that Amount only: Provided also, that when the Entirety or a Part only of any Rent, Payment, or Incumbrance shall be so released, it shall be lawful for the said Clerk of the Peace, by the Order of the said Justices, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to subscribe his Name to a Memorandum endorsed on such Deed or Instrument, declaring what Part of the Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and the Amount of the Rent, Payment, or Incumbrance which shall subsist and continue payable, or (in the Event of a Release of the Entirety of such Rent, Payment, or Incumbrance,) that the remaining or other Hereditaments so before jointly subject as aforesaid are thenceforward to remain and be wholly and exclusively charged with and subject to the full Amount of the said Rent, Payment, or Incumbrance; and such Memorandum shall be made and executed at the Expence of the Party tendering such Deed or Instrument and requiring such Memorandum, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Mortgagees
to convey to
the Clerk of
the Peace.

XX. And be it further enacted, That all Persons and Corporations having any Mortgage on any Hereditaments which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust for any other Person or Corporation, and whether in Possession of such Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Hereditaments solely, or jointly with any other Hereditaments which shall not

be so required), shall, on Payment or Tender by the said Justices, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Justices are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption of and in the Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose,) immediately alien, release, convey, assign, and transfer the respective Interest of such Mortgagees in the Hereditaments comprised in such Mortgage to the said Clerk of the Peace, or to such other Person and in such Manner as the said Justices shall appoint, and which Conveyance and Assignment or Transfer may be of the like Form as the Conveyances by this Act directed or authorized to be used in Cases of Conveyances of Lands, Tenements, or Hereditaments, or or as near thereto as the Circumstances of the Case will permit, or in any other Form; or in case such Mortgagees shall have Notice in Writing from the said Justices, or from the Party or Parties entitled to the Equity of Redemption of and in the same Lands, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or a less Number of Calendar Months, to be computed from the Day of giving such Notice, then, at the End of such Six or less Number of Calendar Months, or at any intermediate Period, on Payment or Tender by the said Justices, or by any Person on their Behalf, of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall alien, release, convey, assign, and transfer their respective Interests in such mortgaged Premises to the said Clerk of the Peace, or to such Person or Persons as the said Justices shall direct; and in case any such Mortgagee shall refuse to alien, release, convey, assign, or transfer as aforesaid, then, on Payment of such Principal and Interest into the Bank of *England*, as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee to such Interest, shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall, in either of the Cases aforesaid, neglect or refuse to alien, release, convey, assign, or transfer as aforesaid, then, upon Payment into the Bank of *England* of the Principal Money and Interest and the Costs (if any) due on such Mortgage as aforesaid, at or at any Time after the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or of the Principal and Interest computed to the End of the said Six Months after and during the Pendency of such Notice, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, or for whom he shall be
Trustee,

Trustee, shall vest in the said Clerk of the Peace, or such other Person as aforesaid, in Trust for the said Justices, and the said Clerk of the Peace, or such other Person as aforesaid, shall be deemed to be in the actual legal and equitable Possession of the Premises and Estate comprised in such Mortgage, to all Intents and Purposes whatsoever.

As to Cases where Mortgage Money is more than the Value of the Land taken.

XXI. And be it further enacted, That in all Cases in which any Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Money, Interest, and Costs secured on such Hereditaments, and the Mortgagee thereof shall not consider the remaining Part of such Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Hereditaments, or, as the Case may be, of such Part of the said Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Part so required, shall be settled and agreed upon by and between such Mortgagee and the Person or Corporation entitled to the Equity of Redemption of such Lands on the one Part, and the said Justices on the other Part, and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury, in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend; and such Mortgagee shall thereupon alien, release, convey, assign, and transfer all his Interest in such mortgaged Hereditaments the Value whereof shall so have been agreed upon or determined as aforesaid; or in case of his neglecting or refusing to alien, release, convey, assign, or transfer, as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of the said Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest, Costs, and other Money due or secured thereon, and thereupon such mortgaged Premises shall become absolutely vested in the said Clerk of the Peace or such other Person as aforesaid, in Trust for the said Justices, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Premises not required for the Purposes aforesaid, as they would otherwise have had or been entitled

entitled to for recovering or compelling Payment thereof upon or out of the Whole of the Premises originally comprised in such Mortgage: Provided also, that when a Part only of any Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Hereditaments so taken shall on such Assignment thereof as aforesaid have been paid to the Mortgagee in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Justices to the Person so entitled as aforesaid to the Equity of Redemption of the Hereditaments comprised in such Mortgage Deed.

XXII. And be it further enacted, That in all Cases in which a Part only of any Hereditaments comprised in any Lease or Agreement for Lease for a Term of Years unexpired shall be required for the Purposes of this Act, the Rent payable in respect of the Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Hereditaments so required and the Residue of such Hereditaments; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lessor from whom such Lands are holden or agreed to be holden; and after such Apportionment the Tenant or Lessee of the Hereditaments comprised in such Lease or Agreement for a Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Hereditaments not required for the Purposes of this Act, and the Lessor of the said Lands shall have all such and the same Remedies for the Recovery of the Rent so apportioned in respect of the Hereditaments not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease, and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for a Lease contained, so far as the same relate to the Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Hereditaments, but not further or otherwise, continue in full Force and Operation.

Rents on
Leases to be
apportioned.

XXIII. And be it further enacted, That in case the said Justices, or any Person authorized by them, shall, after any Lands, Tenements, Hereditaments, or Premises shall be purchased in pursuance of this Act, give Six Calendar Months Notice in Writing to all or any of the Tenants at Rack Rent, or Occupiers of such Lands, Tenements,

Occupiers at
Rack Rent
of any Pre-
mises pur-
chased to
give up Pos-
session there-

[Local.]

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Here-

of after Six
Months
Notice.

Upon Re-
fusal to
give up, the
Justices to
issue their
Precepts to
Constables,
who shall
deliver Pos-
session ;

and levy
Costs there-
of.

Persons
holding un-
der Leases to
produce the
same.

Hereditaments, or Premises, to give or deliver up the Possession thereof, then every such Tenant or Occupier shall, at the End of such Six Calendar Months, or sooner if so agreed upon, peaceably and quietly deliver and yield up the Possession of the said Premises so by him, her, or them respectively held or occupied, whether upon Demise, Lease, or otherwise, to the said Justices, or the Person or Persons who shall be appointed by them to take possession thereof; and all Leases, Demises, or Agreements for renting or holding the same at Rack Rent or otherwise, theretofore made, shall from the End of the said Six Calendar Months be absolutely void and of none Effect as against the said Justices or any of them; and if any Person or Persons so in Possession, after having received such Satisfaction and Compensation, or Tender made thereof, as aforesaid, shall refuse to give up such Possession at the Expiration of such Six Calendar Months after such Notice, all reasonable Satisfaction being first made or tendered (such Satisfaction, in case of any Difference or Dispute concerning the same, to be adjusted and settled by a Jury in like Manner as the Price of any Land to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute concerning the Value thereof), it shall and may be lawful for the said Justices, or any Two or more of them, to issue their Precept to the Constables of the said Liberty or Soke and Hundred for the Time being, or to any or either of them, to cause Possession thereof to be delivered up to such Person or Persons who shall be in such Precept or Precepts nominated to receive the same; and the said Constable or Constables is and are hereby respectively required to deliver Possession, according to such Precept or Precepts, of the Premises therein mentioned, and to levy such Costs as shall accrue by Means of the issuing and executing of every such Precept or Precepts by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall neglect or refuse to pay such Costs, on Demand, the same to be ascertained and settled by the said Justices, who are hereby empowered and required to ascertain and settle the same.

XXIV. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands, Tenements, or Hereditaments to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Justices are hereby authorized to require such Party to produce or show the Lease or Demise or Agreement for Lease or Demise, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof which such Party can produce; and if such Lease or Demise or Agreement for Lease or Demise, or Grant, or such best Evidence thereof as aforesaid, shall not be produced and shown in obedience and pursuant to the Requisition of the said Justices, and within Twenty-one Days of the Service thereof, the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

XXV. Pro-

XXV. Provided always, and be it further enacted, That if the said Justices shall not agree for and purchase the Pieces of Ground, Land, Tenements, and Hereditaments mentioned and comprised in the said First Schedule, or such Part or Parts thereof as may be necessary for the Purposes of this Act, or shall not cause the same to be valued and assessed by a Jury within the Space of Five Years from the passing of this Act, then and from thenceforth the respective Owners or Proprietors of and Persons interested in such Part or Parts of the said Pieces of Ground, Land, Tenements, and Hereditaments as shall then remain unpurchased, or unassessed by a Jury as aforesaid, shall not be afterwards obliged to convey, sell, or otherwise dispose of the same or any Part or Parts thereof, or their, his, or her respective Interests therein, nor shall any Jury or Juries be summoned or meet to settle or ascertain the Value thereof, or any Recompence or other Matter respecting the same, any thing herein-before contained to the contrary thereof notwithstanding.

Limiting the Time of Purchase.

XXVI. And whereas by means of the Purchases which the said Justices are empowered to make by virtue of this Act they may happen to be seised of more Lands, Tenements, and Hereditaments than will be necessary for effecting the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Justices and they are hereby required, within Ten Years after the passing of this Act, to sell any such Lands, Tenements, or Hereditaments, or any Estate or Interest purchased by the said Justices in such Lands, Tenements, or Hereditaments, or in any Part thereof, either together or in Parcels, by public Auction or private Contract, or partly by public Auction and partly by private Contract, and for such Price as they should deem most convenient and think fit, and by any Deed under the Hands and Seals of Four or more of such Justices to convey and assure the same to the Purchaser or Purchasers thereof, or as he, she, or they may request; and all such Conveyances from the said Justices shall be valid and effectual, any thing in this Act contained, or any Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Justices, before they shall dispose of any such Lands, Tenements, or Hereditaments, shall first offer to sell the same to the Person or Persons whose Lands shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold, or to some one of them, such Persons being in *England*, and conveniently to be found, and who shall be capable of entering into a Contract for the Purchase thereof; and all Persons and Corporations hereby capacitated to sell in like Manner shall be and are hereby capacitated to purchase of the said Justices; and every such Person, in case he shall be desirous of purchasing the same Lands, Tenements, or Hereditaments, shall signify such his Desire and Intention in that Behalf to the said Justices in Writing, within Thirty Days after such Offer of Sale shall have been made, by Notice in Writing given to or left for him at his last known or usual Place of Abode; and in case any such Person shall decline or neglect to avail himself or herself of such Offer, or shall neglect so to signify his or her Desire and Intention to purchase such Lands, Tenements, or Hereditaments, for the Space of Thirty Days after such Offer shall have been made, the Right of Pre-emption of every such Person so declining

Justices may sell Lands not wanted for the Purposes of this Act.

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declining or neglecting, in respect of such Lands, Tenements, or Hereditaments included in such Offer, shall cease, and a Declaration in the Form (or as near thereto as Circumstances will admit) prescribed in the Schedule to an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual ' Abolition of Oaths and Affirmations taken and made in various Depart- ' ments of the State, and for the more entire Suppression of voluntary ' and extra-judicial Oaths and Affidavits,'* made before a Master or a Master Extraordinary of the High Court of Chancery, or before a Justice of the Peace for the said Liberty or Soke and Hundred, by some Person not interested in the said Lands, Tenements, or Hereditaments, stating that at the Time such Lands, Tenements, or Hereditaments shall have been sold the Person entitled to such Right of Pre-emption was not in *England*, or was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Justices, and was refused, or was not accepted or agreed to (as the Case may be), by the Person to whom the same was made, within the Space of Thirty Days from the Time of making the same, shall, in all Courts and on all Occasions whatsoever, be conclusive Evidence and Proof of the Fact or Facts therein stated; and in case such Persons shall be desirous of purchasing the same, and he or she and the said Justices shall not agree with respect to the Price thereof, then the Price shall be ascertained by a Jury in manner by this Act directed with respect to the disputed Value of Lands, Tenements, or Hereditaments to be taken by the said Justices; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands, Tenements, or Hereditaments to be taken or used by the said Justices as aforesaid, *mutatis mutandis*; and the Money produced by the Sale which may be made by the said Justices of any such Lands as aforesaid shall be applied to the Purposes of this Act: Provided always, that in case any Lands which shall not be required for the Purposes of this Act shall remain unsold by the said Justices for Two Years after the completing of the said Gaol and House of Correction, the same shall revert to or vest in the Person or Persons whose Lands shall immediately adjoin the said Lands so remaining unsold.

Materials
vested in the
Justices.

XXVII. And be it further enacted, That all Timber, Stone, and Brick, and other Materials to be made use of, or which shall be collected to be made use of, by Order of the said Justices, for building and completing the said new Gaol and House of Correction, and other Buildings and Works carrying on for the Purposes of this Act, and which may not be the immediate Property of their Agents and Contractors, shall be and the same are hereby vested in the said Justices, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name of the Clerk of the Peace for the said Liberty or Soke and Hundred, or to prefer or cause to be preferred any Bill or Bills of Indictment against and to prosecute any Person or Persons who shall steal, take

away, or damage any such Materials, or disturb them in the Possession thereof, or any Part thereof; and in any Action so to be brought, and every Bill or Bills of Indictment so to be preferred; it shall be sufficient to state generally any such Timber, Stone, Brick, or other Materials to be the Property of the Justices of the Peace for the Liberty of *Peterborough*, without particularly stating or specifying the Names or Name of all or any of the said Justices.

XXVIII. And be it further enacted, That all Powers and Authorities which by any Act or Acts of Parliament already made and passed, or which may be made and passed in this present Session of Parliament, are or may be vested in the Justices of the Peace for any Liberty or Soke or Hundred, in respect of punishing Offenders for any wilful Damage or Injury to any Gaol or House of Correction within their Jurisdiction, shall be held to be vested in the said Justices of the said Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in respect of the said Gaol or House of Correction hereby authorized to be erected and built, and may be exercised by them accordingly.

All general Powers vested in Justices of Peace to be vested in the Justices of the Liberty in respect of the new Gaol.

XXIX. And whereas the Custody or Office of Keeper of the Common Gaol of the Liberty or Soke and Hundred aforesaid is vested in the Most Honourable *Brownlow* Marquis of *Exeter*, as Lord Paramount of the said Hundred and High Bailiff of the said Liberty or Soke and Hundred, and the said Marquis of *Exeter*, as such Keeper, is liable or responsible for the safe Custody of all Debtors confined in the said Gaol under Process issued out of any of Her Majesty's Superior Courts of Record at *Westminster*, and is also bound to keep the said Gaol in repair: And whereas the said Marquis has lately agreed with the said Justices to advance the Sum of Five hundred Pounds towards the Purposes of this Act, and also to give up the Right of appointing the Gaoler or Keeper of the said Gaol, upon Condition that he, his Heirs and Assigns, as such Lords Paramount and High Bailiffs as aforesaid, shall be released from such Liabilities; be it therefore further enacted, That when and so soon as the said new Gaol and House of Correction to be built and erected under the Powers and Authorities of this Act shall have been erected and completed, then and from thenceforth the said new Gaol shall be, and shall to all Intents and Purposes be deemed and taken to be, the Common Gaol of and for the said Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in the County of *Northampton*, and shall be appropriated and made use of as and for such Common Gaol, and for the Imprisonment and Confinement of Felons and Debtors and all other Persons who from Time to Time shall be committed thereto or imprisoned therein in course or process of Law; and thenceforth the said new House of Correction shall be and shall be deemed and taken to be the Common House of Correction of and for the said Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh*, and shall be appropriated and made use of as such, and for the Imprisonment and Confinement of all Persons who from Time to Time shall be committed thereto or imprisoned or confined therein by or in course or process of Law; and the Gaoler or Keeper, or respective Gaolers or Keepers, for the Time being, of the said new Gaol and House of Correction, shall

New Gaol to be the Common Gaol of the Liberty and repaired and maintained accordingly.

respectively be liable and answerable to all Intents and Purposes whatsoever for the safe Custody of all and every such Debtors and other Person or Persons as shall from Time to Time be committed to their respective Custodies, or be imprisoned or confined in the said new Gaol and House of Correction respectively; and the Justices of the Peace for the Time being for the said Liberty or Soke and Hundred shall have, possess, and exercise full Power, Authority, and Jurisdiction over the said new Gaol and House of Correction, and over the Gaoler or Keeper, or Gaolers or Keepers of the same, and other Officers thereof; and the said new Gaol and House of Correction, and the Buildings thereunto belonging, and the Furniture thereof respectively, when the same shall have been erected, completed, and finished as aforesaid, shall in future be repaired, supported, maintained, and provided for by and out of the Rates, Stocks, or Funds of the said Liberty or Soke and Hundred; and also the Expence of maintaining and supporting the Prisoners to be confined in the said new Gaol and House of Correction, as well as the Salary or Salaries to be paid to the Keeper or Keepers thereof respectively, and all other Salaries and Expences attending the same, shall also be paid out of the Rates aforesaid, as likewise the Expences attendant upon the Collection of the said Rates; and the said new Gaol and House of Correction, Buildings, and Furniture respectively shall from Time to Time be insured, in the Name of the Clerk of the Peace for the Time being of the said Liberty or Soke and Hundred, from Loss or Damage by Fire, in such Sum or Sums of Money in such Assurance Office or Offices as the Justices of the Peace for the said Liberty or Soke and Hundred, assembled at any General Quarter Sessions, or at any Adjournment thereof, or the major Part of them, shall from Time to Time direct, order, or appoint; and the Premium or Premiums upon and other Expences attending such several Insurances shall be paid and defrayed by and out of the Rates, Stocks, or Funds aforesaid, for the Time being; and the said Justices so assembled as aforesaid, or the major Part of them, shall and may and are hereby authorized and empowered to make such Orders as shall and may be necessary or proper for effecting the several Purposes aforesaid; and in the event of the said Gaol and House of Correction being destroyed by Fire the Money to arise from such Insurance shall be applied in re-building the said Gaol and House of Correction, under the Powers and Authorities of this Act, and agreeably thereto; and all the Clauses, Powers, Authorities, Provisoos, and Agreements herein contained, so far as they respectively shall or may be applicable, shall extend and be used and applied to the Gaol and House of Correction so to be rebuilt in the same Manner as the same are meant to be applied to the intended new Gaol and House of Correction.

The present Gaol and House of Correction to cease to be the Common Gaol of the Liberty.

XXX. And be it further enacted, That when and so soon as the said Gaol and House of Correction to be built and erected under the Powers and Authorities of this Act shall have been erected and completed, all the Prisoners that shall then be confined in the said present Common Gaol and House of Correction respectively shall be removed to the said new Gaol and House of Correction, and immediately thereupon the said present Common Gaol and House of Correction respectively shall cease to be such Common Gaol and House of

of

of Correction of the said Liberty or Soke and Hundred, and the Possession of the said Common Gaol shall remain and be with the said Marquis of *Exeter*, his Heirs and Assigns, as such Lords Paramount as aforesaid; and the Possession of the said House of Correction shall thereupon be delivered up to the Party Trustees, or Persons respectively entitled thereto, and from thenceforth all Persons taken into Custody under or by virtue of any Writ, Precept, or other Process of any of Her Majesty's Superior Courts of Record at *Westminster*, or other competent Authority, directed to the said Marquis, his Heirs or Assigns, as such Lords Paramount or High Bailiffs, or his or their Bailiff or Bailiffs or other Officers, shall be received and kept as Prisoners in the said Gaol and House of Correction in like Manner as Prisoners committed under any other Authority.

XXXI. And be it further enacted, That from and immediately after the Payment of the Sum of Five hundred Pounds to the Clerk of the Peace of the said Liberty or Soke and Hundred, to be applied to the Purposes of this Act, which said Sum of Five hundred Pounds the said Marquis, his Heirs or Assigns, is and are hereby required to pay so soon as the said new Gaol shall be completed and fit for the Reception of Prisoners, if the same be not sooner paid, and for which the Receipt of the said Clerk of the Peace shall be a sufficient Discharge, the said *Brownlow* Marquis of *Exeter*, his Heirs and Assigns, Lords Paramount of the said Hundred and High Bailiffs of the said Liberty or Soke and Hundred, and all and every the Honors, Lordships, Manors, Messuages, Lands, Tenements, and Hereditaments whatsoever of the said *Brownlow* Marquis of *Exeter*, or of, in, or to which he or any Person or Persons in Trust for him is or are seised, possessed, or entitled for any Estate of Freehold or Inheritance, or otherwise howsoever, in the said Liberty or Soke and Hundred, and all and every other Persons and Person entitled to any Estate in Remainder or Reversion of or in the same Hereditaments, or any of them, and their, his, or her Heirs and Assigns, and all and every other Persons and Person who at any Time hereafter and from Time to Time shall be legally or equitably seised of or entitled to the said Liberty or Soke and Hundred, and the said Honours, Lordships, Manors, Messuages, Lands, Tenements, and Hereditaments aforesaid, or any of them, shall be, continue, and remain freed, acquitted, exonerated, exempted, and for ever absolutely discharged of and from the Custody and keeping and Office of Keeper of the said present Common Gaol and any other Common Gaol of and for the said Liberty or Soke and Hundred, and of and from all Duties, Services, Salaries, Charges, and Expences, and Liabilities whatsoever, for or in respect of or in anywise relating thereto by reason of any former Tenure thereof, or of any other Tenure in anywise heretofore dependent on or connected therewith, or otherwise howsoever, and of and from all future Contributions to, for, or toward the Expences of maintaining, supporting, and repairing the said Common Gaol, for or in respect of any former Tenure thereof, or of any Tenure, Possession, or Title of, to, or in any such Estates or Hereditaments as aforesaid, or any of them, and of and from all Claims and Demands for or on account of the said Gaol, or of any such Contributions or Expences,
other

Marquis of
Exeter and
his Estates
to be dis-
charged
from all
Duties and
Service re-
specting the
Gaol.

other than and except such Contributions to any Repairs of the Common Gaol and House of Correction to be erected in pursuance of this Act, and in the same Manner, Rate, and Proportion as any other Lands, Tenements, and Hereditaments in the said Liberty or Soke and Hundred, or the Owners or Occupiers thereof, may be hereafter liable to contribute, or be assessed, or rated for or towards any Repairs of the Common Gaol and House of Correction.

Until the new Gaol be built the present to be under the like Jurisdiction as the new Gaol would be.

XXXII. Provided always, and be it further enacted, That from the passing of this Act until the Removal of the Prisoners from the said present Common Gaol to the new Common Gaol and House of Correction to be erected in pursuance of this Act, the said present Common Gaol shall be maintained and supported in the like Manner, and be, as to the Appointment of and otherwise in regard to Gaolers and other Officers, and as to the Prisoners confined or to be received therein, and in all other respects, subject to the same Provisions, Regulations, Jurisdiction, Superintendence, and Control as the Common Gaol and House of Correction to be erected in pursuance of this Act, and the Gaolers and other Officers thereof, and the Prisoners confined therein, would be, in case the same Common Gaol and House of Correction were actually completed and the Prisoners removed thereto in pursuance of this Act; and that the said Marquis of *Exeter*, his Heirs and Assigns, being such Lords Paramount and High Bailiffs as aforesaid, shall not, after the Payment of the said Sum of Five hundred Pounds, be subject to any Duties, Services, Salaries, Charges, Expences, or Liabilities whatsoever, except in the same Manner, Rate, and Proportion as any other Owners or Occupiers of Lands, Tenements, or Hereditaments in the said Liberty or Soke and Hundred may be assessed or rated towards the Repairs of the said Gaol or House of Correction.

For raising Money.

XXXIII. And for raising Money for and towards the Purposes of this Act, be it further enacted, That from and after the passing of this Act the Justices of the Peace of the said Liberty or Soke and Hundred shall and may yearly and every Year, at any General or Quarter Sessions or adjourned Sessions to be held for the said Liberty or Soke and Hundred, ascertain and determine what Sum or Sums of Money they shall judge necessary to be assessed and raised for the Purposes of this Act on the said Liberty or Soke and Hundred for the Year then next following, and shall thereupon order and appoint every such Sum or Sums of Money to be raised and levied by Taxation of all Lands, Houses, Buildings, Tenements, and Hereditaments whatsoever within the said Liberty or Soke and Hundred (except the Cathedral Church, and all Churches, Chapels, and Burial Grounds, and Places of Religious Worship tolerated by Law), or of all and every the Owners or Occupiers in right thereof respectively, in equal Proportion, according to their respective Worth and Value; and in order thereto the said Justices are hereby authorized and empowered indifferently to proportion out the said Sum or Sums of Money upon each Parish, Township, and Precinct, and Extra-parochial Place, within the said Liberty or Soke and Hundred, in such and the like Manner and Proportion, on each such Parish, Township, and Precinct, and Extra-parochial Place, as the Money now raised or hereafter to be

raised for the Maintenance of the Poor of the said Liberty or Soke and Hundred is or shall be apportioned, and if no Money be raised for the Poor, then according to the last Rate so raised for the Poor; and by Warrant under their Hands and Seals to authorize and require the Overseer or Overseers of the Poor, or other Person or Persons authorized to collect the Rates received for the Maintenance of the Poor, or any Person or Persons under this Act appointed Collector or Collectors for the Time being of the said Rate or Rates, Assessment or Assessments hereby authorized to be made and levied, of each respective Parish, Township, Precinct, and Extra-parochial Place within the said Liberty or Soke and Hundred, to rate and assess, demand and collect, as aforesaid, and receive the same respectively, from the Persons liable to pay the same.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to authorize and empower the said Justices to have any further or greater Sum of Money raised in the whole by way of Rate than the Sum of Ten thousand Pounds, for the Purpose of purchasing Lands, Tenements, or Hereditaments, and otherwise for erecting and completing the said Common Gaol and House of Correction, and other Buildings to be erected by virtue of this Act, including the Costs and Charges of obtaining and passing this Act, and of furnishing the said new Gaol and House of Correction and other Buildings, nor to authorize and empower the said Justices to order and appoint any greater Sum or Sums of Money for the Purposes last aforesaid to be raised by such Rate or Taxation in any One Year than Nine hundred Pounds: Provided always, that nothing herein contained shall abridge, alter, or lessen the Powers which the Justices now have of ordering, raising, levying, and enforcing Payment of all such other Rates and Sums of Money as the Justices may from Time to Time consider necessary for the ordinary Expences of the Liberty, and which Rates may be made at the same Time, and in addition to the Rates for defraying the Expences of building the said Common Gaol and House of Correction, and other the Purposes last aforesaid.

Limiting the Sum to be raised for building the Gaol.

XXXV. And be it further enacted, That if any Owner or Owners, or other Person or Persons liable to the Payment of any such Rates or Assessments, shall refuse or neglect to pay the same by the Space of Fourteen Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof, and delivered to or left at the usual Place of Abode of such Person or Persons, signed by any Person or Persons by virtue of this Act authorized to collect such Money so rated or assessed, then and in every such Case it shall be lawful for such Person or Persons so authorized, and he and they is and are hereby respectively required to cause the Party making default to be summoned by any Justice of the Peace acting in and for the said Liberty or Soke and Hundred to appear before him, at a Time and Place to be named in such Summons, to answer for such Default; and in case the Party so summoned shall not appear at the Time and Place aforesaid, or if he shall appear, and shall not forthwith duly pay the Rate or Assessment or Rates and Assessments so demanded of him as aforesaid, then and in either of such Cases it

Manner of Proceeding in case of Owners, &c. refusing to pay Rates.

shall be lawful for the Person or Persons authorized to collect the same, and he and they are hereby required, by Warrant under the Hands and Seals of any Two or more Justices of the Peace acting in and for the said Liberty or Soke and Hundred, which Warrant such Justices are hereby authorized and required to grant, upon Proof being made upon Oath, or Affirmation being a Quaker, of the Person or Persons authorized to demand the same, of such Summons and Nonappearance, or of such summoning and Nonpayment as aforesaid, and which Oath or Affirmation the said Justices are hereby authorized and required to administer, to levy all and every such Rates and Assessments by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay; and if within Five Days after such Distress or Distresses shall be made the said respective Rates or Assessments, and all Arrears thereof, shall not be paid, together with the Costs and Charges of taking and keeping the same, the said Person or Persons authorized to collect the same, shall cause the said Goods and Chattels, or a sufficient Part thereof to be appraised and sold, rendering the Overplus (if any there be, after deducting the said Rates or Assessments and all Arrears thereof, and the reasonable Costs and Charges attending the said Summons and such Distress and Sale, which Costs and Charges, in case of Dispute, shall be settled and ascertained by any Two or more of Her Majesty's Justices of the Peace for the said Liberty or Soke and Hundred) to the Person or Persons entitled to the same.

Overseers
and Collec-
tors and
other Officers
to account.

XXXVI. And be it further enacted, That every Overseer, Collector, or other Officer or Person who shall be authorized by the said Justices by virtue of this Act to collect any Rates or Assessments, or other Monies, shall from Time to Time, when thereunto required by the said Justices, make out and deliver to them, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received or paid, together with Vouchers and Receipts for such Payments; and every such Overseer, Collector, Officer, and Person shall pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the Treasurer of the said Liberty or Soke and Hundred, or to such Person as the said Justices shall appoint to receive the same; and if any such Overseer, Collector, Officer, or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when required in manner aforesaid, then and in every such Case any Two or more of the said Justices may impose such Fine or Fines, not exceeding Twenty Pounds, as they shall think proper, on the Party so offending, and may by Warrant under their Hands and Seals cause such Fine, and also all Monies due from the offending Party, to be levied by Distress and Sale of the Goods and Chattels of such offending Party; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if the said offending Party shall persist in his Refusal to account at the Time and Place appointed for that Purpose, or appearing shall refuse or neglect to make out and deliver

deliver to such Justices such Account in Writing as aforesaid, or to produce and deliver to the said Justices the several Vouchers and Receipts relating to such Accounts in his Possession or Power, or to deliver up such Books and Papers, then and in every such Case the said Justices may, by Warrant under their Hands and Seals, commit such offending Party to the Common Gaol or House of Correction of the said Liberty or Soke and Hundred, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the said Vouchers and Receipts (if any) relating thereto, and have delivered up and shall have paid all the Money which shall appear to be in his Hands, or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Justices for such Money and Charges, and have paid the Composition Money to the said Justices, (and which Composition the said Justices are hereby empowered to make and accept,) or have given Satisfaction in respect of the Matter aforesaid to the said Justices: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months: Provided that nothing herein contained shall tend to deprive the said Justices of the Power to proceed against such Person in any other Way which the Law may direct.

XXXVII. And be it further enacted, That the Sum and Sums of Money so to be rated and assessed as aforesaid shall be paid by the Tenants or Occupiers of the Premises respectively which shall be so assessed, and such Tenants and Occupiers respectively shall and may deduct and retain, out of the Rents payable to the Landlords or Owners of such Premises respectively, One Moiety or Half Part of such Money as shall be respectively assessed and paid, when so paid; and the said Landlords, mediate or immediate, according to their respective Interests, are hereby required to allow such Tenants or Occupiers respectively such Moiety accordingly; and every such Tenant or Occupier shall be acquitted and discharged for such Moiety in such Manner and as fully and effectually as if the same had been actually paid as Rent to such Landlord or Landlords, or other Person or Persons respectively, to whom his, her, or their Rent was or should have been paid or payable: Provided always, that in case any House or Tenement shall be set, let, or occupied in different Apartments, Rooms, or Lodgings, to or by distinct or separate Families, Lodgers, or Inmates, the whole House or Tenement so let or occupied shall be charged with the whole Rate so as aforesaid to be assessed and collected for or in respect of the same; and in Cases of Nonpayment shall and may be levied upon and recovered from any of the Inhabitants or Occupiers of any Part or Parts of such House or Tenement, in such and the like Manner as the other Rates and Assessments are hereby appointed to be levied and recovered: Provided always, that no such Tenant or Occupier shall be liable to pay, nor shall his or her Goods or Chattels be liable to be distrained, for more Money than the Amount of the Rent actually due from such Tenant or Occupier:

Rates to be paid by the Tenants, and a Moiety thereof to be allowed them by their Landlords.

Manner of Recovery when Houses are let in Apartments.

XXXVIII. Pro-

Not to make void any Agreement between Landlord and Tenant.

XXXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to make void any Contract, Covenant, or Agreement between Landlord and Tenant relating to the Payment of any Rates or Assessments within any of the said several Parishes, Townships, Precincts, and Extra-parochial Places of the said Liberty or Soke and Hundred.

In case of Persons removing out of Parishes.

XXXIX. And whereas Persons may remove out of Parishes and Places within the said Liberty or Soke and Hundred without paying the Rates assessed on them for the Purposes of this Act, and other Persons may enter and occupy their Houses and Tenements Part of the Year, by reason whereof great Sums may be annually lost; be it therefore enacted, That where any Person or Persons shall come into or occupy any House, Land, Tenement, or Hereditament, or other Premises, out of or from which any other Person assessed shall be removed, or which at the Time of making such Rate was empty or unoccupied, then every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay such Rate in proportion to the Time that such Person occupied the same respectively, in the same Manner as if such Person so removing had not removed, or such Person so coming in or occupying had been originally rated and assessed in such Rate; which said Proportion, in case of Dispute, shall be ascertained by Two or more of Her Majesty's Justices of the Peace for the said Liberty or Soke and Hundred.

Rates may be mortgaged for Monies borrowed.

XL. And whereas it may be necessary to borrow Monies upon the Credit of this Act, for the more speedy and effectual carrying into execution the Purposes thereof; be it therefore enacted, That it shall and may be lawful for the said Justices from Time to Time and they are hereby empowered to borrow and take up on Mortgage of the said Rates and Assessments, by Instrument or Instruments in the Form contained in the Second Schedule to this Act annexed, or to the like Effect, such Sum or Sums of Money as to them shall appear necessary and expedient for the Purposes aforesaid, at legal or lower Interest; and every such Mortgage for securing the Payment of such Sum and Sums of Money and Interest shall be signed by the said Justices or any Four of them, at a Meeting to be held under and by virtue of this Act; and all such Mortgages shall be made to the Persons advancing the Money clear of all Fees and Expences whatsoever; and Copies of all and every such Mortgages shall be entered in a Book or Books to be kept by the Clerk of the Peace for the said Liberty or Soke and Hundred; and all Persons to whom such Mortgages shall be given are hereby empowered, by Writing or Writings under his or their Hands or respective Hands, endorsed on the Back of such Mortgages, in the Form also contained in the said Second Schedule, to sell, assign, or transfer such Mortgages and Securities to any Person or Persons whomsoever, who shall thereupon be entitled to the Benefit thereof and Payment thereon; and he, she, or they may in like Manner sell and assign or transfer the same again, and so *loties quoties*; and all such Transfers and Assignments to be made previous to any subsequent Payment

Mortgages may be transferred.

ment in respect of the same shall be entered and copied by the said Clerk of the Peace in the Book or Books to be kept by him for the Purpose of entering and copying the said Mortgages and Securities, for each of which Entries he shall receive the Sum of Five Shillings and no more from the Person or Persons to whom such Assignment shall be made; and all and every Person and Persons to whom such Mortgages or Securities, or Transfer or Assignments thereof, shall be made, shall be Creditors on the said Rates and Assessments equally with one another, without regard to the Priority of Date of such Mortgage or Security.

Transfers to be entered by the Clerk.

No Priority of Securities.

XLI. And be it further enacted, That the Securities for Money borrowed by the said Justices under the Authority of this Act, and the Dividends and Interest to arise thereupon, shall not be transferable unless by Instrument duly stamped, in which the Consideration for such Transfer shall be stated; nor shall any Interest be paid upon the said Securities unless to the *bonâ fide* Holders thereof, or to the Parties to whom the same may have been lawfully assigned under an Instrument duly stamped, or to the Agents or Attornies of such Holders or Parties duly authorized to receive the same.

Securities for Money not to be transferred except by Deed duly stamped.

XLII. And in order effectually to secure the regular and punctual Discharge of the Interest on the Principal Sums so to be borrowed on Mortgage, be it further enacted, That the Treasurer for the Time being of the said Liberty or Soke and Hundred shall and he is hereby required, in every Year after the Commencement of this Act, until the whole of the Principal Sums herein-before authorized to be borrowed shall have been repaid, with all Interest for the same, to retain and keep in his Hands, out of the Monies arising by the said Rates and Duties and paid to him by the Persons collecting the said Rates, such a Sum of Money as will be sufficient to answer, pay, and discharge such yearly Interest; and in order to facilitate the Payment of the Interest half-yearly on the said Principal Sums to be borrowed the said Justices are hereby required to appoint certain Days, twice in every Year, on which such Interest, as the same shall become due, shall from Time to Time be discharged, at such Place or Places within the said Liberty or Soke and Hundred as they shall from Time to Time think proper, and which the said Treasurer is hereby required to pay accordingly, without Fee or Reward; and the said Justices shall and they are hereby required, previous to such Day or Days of Payment in every Year, to adjust and settle all Books of Accounts relative to the Execution of this Act, in such Manner that it may easily be seen what Principal Sums have been discharged, and what Interest shall be growing due, and thereupon to make Order for the regular Discharge of the same; and the said Books, when so adjusted and settled, shall be signed by the said Justices, and shall be kept by the said Clerk of the Peace as aforesaid, and at all convenient Seasons be open to the Inspection of all Persons being Creditors on the said Rates and Assessments, they paying respectively to such Clerk of the Peace Two Shillings and Sixpence for each Time of Inspection.

For the regular Discharge of Interest.

XLIII. And in order that all the said Mortgages or Securities for the Payment of any Principal Money may be discharged without Par-

Mode of discharging Mortgages.

[Local.]

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tiality

tiality or Preference, be it further enacted, That as soon as the said new Gaol and House of Correction and other Buildings and Premises shall be completed, and before any Money shall be applied in discharge of any such Mortgages as herein-after directed, the said Justices shall appoint a Meeting, of which Ten Days Notice shall be given in some Newspaper circulating in the said Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh*, and to which Meeting all Mortgagees under this Act shall be admitted, and all the said Mortgages shall then and there be drawn by Lot, by Order of the Justices then present, and numbered according to the Event of such drawing, a Number being allotted for every complete Sum of One hundred Pounds on each Mortgage, and the Mortgages or Numbers so drawn and numbered shall be regularly discharged in succession according to Priority of Numbers, and Two Calendar Months Notice shall be given in some Newspaper circulating in the said Liberty or Soke and Hundred of all such Mortgages being so to be paid off.

Application
of the Monies
granted by
this Act.

XLIV. And be it further enacted, That all the Monies arising by the said yearly Rates and Assessments, and otherwise by virtue of this Act, shall from Time to Time be applied in manner following; that is to say, a sufficient Part thereof shall, in the first place, be applied in paying all Charges and Expences in and incident to and attending the obtaining and passing of this Act; and in the next place, in keeping down and paying the Interest on the said Principal Sums so to borrowed, and in paying for the Purchase of the said Lands, Tenements, Hereditaments, and Premises so to be purchased as herein-before directed, and in discharging the Expences of erecting, fitting up, and furnishing the said new Gaol and House of Correction, and other Buildings, Approaches, and Conveniences under this Act; and as soon as may be after the erecting, fitting up, finishing, and furnishing of the said new Gaol and House of Correction, and other Buildings, Approaches, and Conveniences as aforesaid, the Surplus shall be applied for the gradual Discharge of the Principal Sums to be borrowed as aforesaid.

Mortgage
Monies to be
paid off in
Twenty
Years.

XLV. Provided always, and be it further enacted, That from and after the completing and furnishing of the said new Gaol and House of Correction, and other Buildings to be erected under this Act, and after such Mortgages shall be drawn and numbered as aforesaid for Payment, there shall be paid off and discharged in every Year so much of the whole Sum borrowed on Mortgage under the Powers of this Act, and of the Interest thereof, as will be sufficient to pay off the whole of the said Principal Monies and Interests by equal yearly Instalments, as near as may be, within the Period of Twenty Years from the Completion of the said new Gaol and House of Correction; and on such Payment the original Mortgages and Assignments shall be given up by the respective Mortgagees to the Treasurer for the Time being, who shall cancel the same respectively; and in case the whole Amount shall not be paid off on any Mortgage, he shall take a Receipt for the Amount paid from the Party entitled to give the same, and shall also endorse on the said Mortgage, and the Assignment thereof, a Memorandum of the Amount so paid; and such original Mortgages and Assignments, so cancelled, and such Receipts as aforesaid, shall be good and sufficient Discharges to the said Treasurer

surer on passing his Account or Accounts, and shall be produced by him and allowed as Vouchers for the several and respective Payments made by him in respect thereof; and immediately after the Allowance of such Accounts the original Mortgages so cancelled, and such Receipts as aforesaid, shall be delivered up by such Treasurer to the said Clerk of the Peace, to be filed by him amongst the Records of the Sessions.

XLVI. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments of Land Tax in the Parish in which the Lands, Tenements, and Hereditaments authorized to be taken or used for the Purposes of this Act are situate; be it therefore enacted, That the said Justices shall, from and after they shall become seised and possessed by virtue of this Act of any Lands, Tenements, or Hereditaments charged with the Land Tax, and until the said new Gaol and House of Correction shall have been newly assessed to such Land Tax, or until the Land Tax payable in respect thereof shall have been redeemed, be subject and liable from Time to Time to pay or make good, out of the Monies to be raised by virtue of this Act, to or in aid of the said Parish, all such Sums of Money as would have been payable in respect of the same Lands, Tenements, and Hereditaments, if not so taken or used by the said Justices as aforesaid, according to the Rental at which the same were valued or rated at the Time of the passing of this Act, and the said Justices are hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments for such Parish.

Provision
for Deficien-
cies in the
Land Tax.

XLVII. And be it further enacted, That when the Ground shall be laid out for the building of the said new Gaol and House of Correction there shall be allowed, within the Limits of the Lands or Premises authorized to be taken or purchased by virtue of this Act, a Space on the Outside of the intended Boundary Wall or Walls of the Courts or Outlets of the said Gaol and House of Correction on every Side thereof (which shall not adjoin to a public Street, Lane, or Highway) of Thirty Feet at the least in Width, which said Space shall for ever thereafter remain unbuilt upon, and be used or employed for no other Purpose whatsoever than either as a Garden, Yard, or Area for the Use of the said Gaol and House of Correction, or as a public Highway, as the same Space shall be ordered and directed by the said Justices, so as at all Times to preserve a free Circulation of Air in or about the said Gaol and House of Correction; and that if there shall be any public Street, Lane, or Highway adjoining to such intended Boundary Wall or Walls, or any Part thereof, and such Street, Lane, or Highway shall not (in any Part thereof so adjoining) be of the Width of Thirty Feet at the least, then such Boundary Wall or Walls shall be kept in and so built as to make and leave so much of such Street, Lane, or Highway as shall adjoin such Boundary Wall or Walls of the full Width of Thirty Feet.

For securing
free Circu-
lation of Air
about the
Gaol.

XLVIII. And be it further enacted, That the said Justices of the Peace for the said Liberty or Soke and Hundred shall and may appoint a Gaoler or Gaolers, Keeper or Keepers, Governor, Chaplain, and

Gaolers,
Governors,
and other
Officers to be
appointed.

and Surgeon, and such other Officers as they shall think proper for the said new Gaol and House of Correction, and may fix and appoint such Salaries as to the said Justices shall seem proper to be paid to such Gaoler or Gaolers, Keeper or Keepers, Governor, Chaplain, Surgeon, or other Officers, and shall from Time to Time have Power to dismiss such Gaolers, Keepers, Governors, Chaplain, and Surgeon, and other Officers, or any of them, and to appoint others in their Stead; and all such Gaolers, Keepers, or Governors respectively shall give such Security to the Clerk of the Peace for the Performance of their respective Duties as they the said Justices may think reasonable and sufficient; and such Gaolers, Keepers, Governor, or other Officers, for any Negligence or Misbehaviour in their respective Offices, may either be dismissed or proceeded against on any Security so to be given, or upon Complaint made against any such Officer to the Justices of the Peace for the said Liberty or Soke and Hundred at any General Quarter Sessions; and such Justices shall and they are hereby authorized and required to examine into, hear, and determine the Matter of such Complaint; and if it shall appear to them that such Officers, or either of them, shall have been negligent, or misbehaved himself or themselves in his or their Office or Duty, then such Justices shall set and impose such Fine or Fines upon such Officer or Officers, not exceeding the Sum of Five Pounds for each Offence, as in their Discretion they shall think fit; which Fine or Fines shall be levied by Warrant under the Hands and Seals of the said Justices by Distress and Sale of the Goods and Chattels of such Officer or Officers so offending.

No Bailiff to be appointed Gaoler.

XLIX. Provided always, and be it further enacted, That the said Justices shall not at any Time hereafter appoint any Gaoler, Keeper, or Governor of the said new Gaol and House of Correction who shall hold the Office of Bailiff or Deputy Bailiff of the said Liberty or Soke and Hundred.

Justices in Sessions to make Rules for classing and managing the Prisoners during their Confinement.

L. And be it further enacted, That the Justices of the Peace for the said Liberty or Soke and Hundred shall and they are hereby authorized and required, at some General or Quarter Sessions or adjourned Sessions for the said Liberty or Soke and Hundred, subject to the Provisions of this Act, to make such Rules, Orders, and Regulations, for receiving, separating, classing, dieting, clothing, maintaining, employing, reforming, governing, managing, treating, and watching all Offenders, Debtors, and other Prisoners of all Descriptions, during their respective Confinement in the said new Gaol and House of Correction, as to the said Justices shall seem most fit and proper, and also as well for enforcing amongst the Debtors and Prisoners of all Descriptions Cleanliness, Temperance, and a decent and orderly Behaviour, as for securing a just and humane Treatment of them by the Gaoler or Gaolers, Governors and Keepers of the said new Gaol and House of Correction, and their respective Servants and Assistants; and also for restraining and prohibiting any Person or Persons whom the Visiting Justices hereinafter mentioned for the Time being, or any Three of them, or the respective Gaoler or Gaolers, Governors or Keepers of the said new Gaol and House of Correction shall deem improper to supply any

Prisoners

Prisoners therein with Money, Clothing, Provision, Diet, or any other Thing whatsoever, or to have Access to any such Prisoner, or to be admitted into the said Prison; and also for restraining and prohibiting all Persons whatsoever from supplying any such Prisoner with Money, Clothing, Provisions, Diet, or with any spirituous or other Liquors, or any other Thing whatsoever, otherwise or contrary to such Rules, Orders, and Regulations; and also for regulating and fixing at what Hours and Time all or any Persons (not being Prisoners in or Officers or Assistants belonging to such Prison) may or shall be admitted into, remain in, or depart from such Prison; and the said Justices are hereby authorized to ascertain and set down in such Rules, Orders, and Regulation what reasonable Penalties and Forfeitures shall be incurred by Persons who shall break or evade the same Rules, Orders, and Regulations, or any of them, not exceeding Forty Shillings for One Offence; all which said Rules, Orders, and Regulations so to be made as aforesaid all Persons are hereby required to observe and keep, under such Penalties as shall be so ascertained and set down as aforesaid; but no such Rules, Orders, and Regulations shall be made at any such Sessions, or adjourned Sessions, until Four Justices at least shall be present; and such Rules, Orders, and Regulations, so to be made as aforesaid, shall not commence or be in force until they have been submitted to and reviewed and confirmed, or altered, if necessary, by the Justices at the General Quarter Sessions which shall be holden for the said Liberty or Soke and Hundred next after the making of such Rules, Orders, and Regulations, or at some subsequent General or Quarter Session to be holden in and for the said Liberty or Soke and Hundred, and the said Justices to whom such Rules, Orders, and Regulations shall have been submitted shall have subscribed a Certificate or Declaration that they approve of the said Rules, Orders, and Regulations so to be made and confirmed or altered as aforesaid; and all such Rules, Orders, and Regulations shall be afterwards added to or altered from Time to Time as often as the said Justices of the Peace, at any General or Quarter Sessions or adjourned Sessions as aforesaid (at which Four at least shall be present), shall think necessary, and such Additions and Alterations shall also in like Manner be submitted to and confirmed, or altered (if necessary) by the Justices at any such subsequent General Quarter Sessions for the said Liberty or Soke and Hundred in manner aforesaid, who shall subscribe such Certificate or Declaration as before mentioned; and such Rules, Orders, and Regulations shall be entered of Record in such Courts respectively, and a Copy thereof shall be hung up in the Court of Quarter Sessions for the said Liberty or Soke and Hundred, and One or more Copy or Copies thereof shall be transmitted to the said Gaoler or Gaolers, Governors or Keepers respectively, who shall cause the same to be hung up in some conspicuous Place or Places within the said new Gaol and House of Correction, as shall from Time to Time be appointed by the Visitors herein-after mentioned, or any Three of them: Provided always, that such Rules, Orders, and Regulations shall not be contrary or repugnant to the Laws of that Part of *Great Britain and Ireland* called *England* or this Act.

Visitors to
be appoint-
ed.

LI. And for better preventing all Abuses in the said new Gaol and House of Correction, be it further enacted, That the said Justices of the Peace for the said Liberty or Soke and Hundred, in General or Quarter Sessions or adjourned Sessions thereof assembled, or the major Part of them so assembled, shall, yearly and every Year after the said new Gaol and House of Correction shall be built, appoint such Three or more Justices of the Peace for the said Liberty or Soke and Hundred as they shall think proper and necessary to be Visitors of the said new Gaol and House of Correction; and such Visitors so appointed may, either together or singly, personally visit and inspect such Gaol or Prison as often as Occasion shall require, and may examine into the State of the Buildings, the Behaviour and Conduct of the respective Officers, and the Treatment and Condition of the Prisoners, the Amount of their Earnings, and the Expence attending such Prison; and in Matters of pressing Necessity, and within the Powers of their Commission as Justices, such of the said Visitors as are or shall be Justices of the Peace for the said Liberty or Soke and Hundred shall take cognizance thereof, and proceed to regulate and redress the same; and at any General or Quarter Sessions of the Peace for the said Liberty or Soke and Hundred the said Visitors may (if they think it expedient) make a Report in Writing of the State and Condition of the same, and of all Abuses which they may discover or observe therein; and it shall be lawful for every Justice of the Peace for the said Liberty or Soke and Hundred, of his own Accord, without being appointed a Visitor, to enter into and examine the said new Gaol and House of Correction, at such Time or Times, and so often as he shall think fit, and if he shall discover any Abuses therein such Justice of the Peace may report them in Writing at the next General Quarter Sessions of the Peace, or adjourned Sessions, which shall be holden for the said Liberty or Soke and Hundred; and when and as often as a Report of any Abuses in the said new Gaol and House of Correction shall be made by the said Visitors, or any of them, or by any such Justice of the Peace, the Abuses so reported shall be taken into consideration by the Justices of the Peace for the said Liberty or Soke and Hundred at the General or Quarter Sessions or adjourned Sessions at which such Report shall be made; and they are hereby required to adopt the most effectual Measures for inquiring into and rectifying such Abuses, as soon as the Nature of the Case will allow.

Gaoler &c.
to make Re-
turn of Per-
sons con-
victed in his
Custody.

LII. And be it further enacted, That the Gaoler or Gaolers, Governor or Keeper of the said new Gaol and House of Correction, on the First Day of every General Quarter Sessions to be holden for the said Liberty or Soke and Hundred, shall make a just and true Return in Writing to the Clerk of the Peace or other proper Officer of such Court, specifying the Names or Name of all and every the Persons or Person in his or their Custody, the Offences or Offence of which they, he, or she have or hath been guilty, the Court before which each Person was convicted, the Sentence of the Court, if tried and convicted before any Court of Record, or if committed by One or more of Her Majesty's Justices of the Peace, then the Name or Names of the Justice or Justices before whom such Persons or Person were or was convicted, and the Offences or Offence of which such
Persons

Persons or Person were or was convicted, together with the Age, bodily State, and Behaviour of every such Convict.

LIII. And be it further enacted, That every such Return, before it is delivered into Court, shall be examined by One or more of the Visitors, to be appointed as herein-before directed, who is or are hereby required to sign such Return, and to annex thereto such Observations as he or they think fit on every or any Particular therein contained.

Visitors to examine Returns, &c.

LIV. And be it further enacted, That the Debtors in the said Gaol or House of Correction shall be kept entirely separate from all Persons imprisoned therein for any other Cause; and also, that so long as any Person under Sentence of Transportation shall continue in the said new Common Gaol or House of Correction, the Gaoler or Gaolers, Governor or Governors, having the Custody of such Offenders, shall and he and they is and are hereby required to separate such Person so under Sentence of Transportation, as far as conveniently may be, from every other Person not under Sentence of Transportation in his or their Custody respectively.

Certain Prisoners to be kept separate from others.

LV. And be it further enacted, That the Property of all and every the Furniture, Utensils, Chattels, Provisions, Clothing, and Materials whatsoever, to be from Time to Time had, bought, procured, and provided for the Use of the Prisoners in the said new Gaol and House of Correction, and other Buildings to be erected under this Act, and for carrying into execution the several Purposes of this Act, shall be and the same are hereby vested, for the Uses and Purposes of this Act, in Her Majesty's Justices of the Peace for the Time being acting in and for the said Liberty or Soke and Hundred; and the said Justices are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name of the Clerk of the Peace of the said Liberty or Soke and Hundred, or to prefer or cause to be preferred any Bill or Bills of Indictment or Information against and prosecute any Person or Persons who shall steal, purloin, or carry away any Part of such Furniture, Utensils, Chattels, Provisions, Clothing, or Materials whatsoever; and every Action so brought, and every Indictment wherein any such Furniture, Utensils, or other Things as aforesaid shall be laid to be the Property of the said Justices, shall be good and valid in the Law to all Intents and Purposes, without specifying the Name or Names of any of the said Justices.

Furniture, &c. in the Gaol vested in the Justices.

LVI. And be it further enacted, That if any Person or Persons shall knowingly buy, secrete, or receive into Pawn any of the Furniture, Utensils, Chattels, Provisions, Clothing, or Materials of the said new Gaol and House of Correction, and other Buildings to be erected under this Act, which shall be provided for the Use of any of the Prisoners therein, or for other the Purposes of this Act, or any Furniture, Goods, or Materials carried or brought into the said new Prison, and there wrought up or manufactured, or in order to be wrought up or manufactured or used by the Prisoners or any of them, then the Person or Persons so offending shall for every such Offence

Penalty on Persons buying or secreting any of the Furniture, &c. belonging to the new Gaol.

Offence forfeit and pay a Sum not exceeding Ten Pounds at the Discretion of any Two Justices of the said Liberty or Soke and Hundred before whom such Offender shall be convicted.

No Gaoler,
&c. to suffer
tippling or
gaming, or
to sell Liquors
in new Gaol.

LVII. And be it further enacted, That from and after the said new Gaol and House of Correction shall be built and fitted up for the Reception of Prisoners as aforesaid no Gaoler or Gaolers, Governor or Keeper of the said new Gaol, or any Person or Persons in Trust for or employed by them or any of them respectively, as Assistant or Assistants or otherwise, shall suffer tippling or gaming in such Gaol or House of Correction, or shall directly or indirectly sell or dispose of, or permit or suffer to be sold or disposed of, or be capable of being licensed to sell or dispose of, any Wine, Beer, Ale, or other Liquors, or have any beneficial Interest or Concern whatsoever in the Sale or Disposal of any Liquors of any Kind, under the Penalty of Ten Pounds for every such Offence.

Forfeitures
and Penalties,
how to
be levied and
applied.

LVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, the Manner of levying and recovering whereof is not hereby particularly directed, may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceeding, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; and it shall and may be lawful for the said Justice or Justice to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied, if a Warrant of

Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the said Common Gaol and House of Correction of the said Liberty or Soke and Hundred, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty or Penalties, and all Costs and Charges incident to and attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, shall be sooner paid or discharged; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied, if not otherwise directed to be applied by this Act, shall be paid to the Treasurer of the said Liberty or Soke and Hundred, and be applied in the same Manner as the Rates and Assessments hereby authorized to be levied and raised for the Purposes of this Act, or if not required for that Purpose, then to the same Purposes as the other Monies and Funds in the Hands of the said Treasurer, by virtue of his said Office.

LIX. And be it further enacted, That the said Justices may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act in the Name of the Clerk of the Peace for the Time being of the said Liberty or Soke and Hundred, and no Action or Suit so to be brought or commenced by or against the said Justices shall abate or be discontinued by the Death, Removal, or Default of any such Clerk of the Peace, but shall be continued and carried on in the Name of the Clerk of the Peace for the Time being in whose Name the same shall have been brought, and the Clerk of the Peace for the Time being shall always be Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that all the Costs and Expences to be incurred by the said Clerk of the Peace for the Time being in prosecuting or defending any Action or Suit touching the Execution of this Act, and all Costs and Expences of Indictments or other Proceedings under this Act, which cannot otherwise be recovered, shall be defrayed out of any Monies collected or received under the Provisions of this Act: Provided also, that such Clerk of the Peace shall not on that Account be deemed an incompetent Witness in any such Action or Suit, except only in such Action or Suit as shall be on his own personal Account.

Justices may sue and be sued in the Name of the Clerk of the Peace.

LX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or against any Rule, Order, or Regulation to be made in pursuance thereof, either on the Part of the Prosecutor or of the Person or Persons accused, after having been paid or tendered a reasonable Fee for his or her Costs, Charges, and Expences, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, or in case of a Quaker or Quakers, Separatist or Separatists,

For compelling the Attendance of Witnesses.

on solemn Affirmation, and to give Evidence before such Justices or Justice of the Peace, then and in any of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding the Sum of Five Pounds.

Inhabitants
declared
competent
Witnesses
in all Actions,
&c.

LXI. And be it further enacted and declared, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, or of any Rule, Order or Regulation made in pursuance thereof, no Inhabitant of the said Liberty or Soke and Hundred, nor any other Person whatsoever, shall be deemed an incompetent Witness by reason of being such Inhabitant, or by reason of being an Owner of any Estate within the said Liberty or Soke and Hundred, or by reason of paying or being liable to the Payment of Rates.

Directing the
Manner of
serving No-
tices.

LXII. And be it further enacted, That all Notices which under this Act are to be given by the said Justices may be signed by the said Clerk of the Peace on their Behalf, and that in all Notices and Summonses which are directed or required to be given by this Act, or which are or may be directed or required to be given by any Rules, Orders, or Regulations to be made in pursuance thereof, or which shall or may be necessary for carrying into execution any of the Powers of this Act, or of any such Rules, Orders, or Regulations (where the Manner of serving such Notices or Summonses is not particularly or otherwise hereby directed), the Service of such Notices or Summonses, either on the Person to whom the same is or shall be directed to be given or otherwise ought to be given, or by leaving the same, or a true Copy thereof, at his or her Dwelling House or usual or last Place of his or her Abode, shall be a good and sufficient Service of any such Notices or Summonses, and that in all Cases whatsoever where any such Notices or Summonses is or shall be directed to be given or otherwise ought to be given to Two or more Persons, for or respecting the joint Act or Omission or Property of any such Persons, whether the said Persons be in Partnership in Trade or otherwise jointly concerned in such Act or Omission or Property, the like Service of any such Notices or Summonses on any One of such Partners or Persons shall be also a good and sufficient Service thereof.

Penalties
may be
mitigated.

LXIII. Provided always, and be it further enacted, That it shall be lawful for the Justices or Justice of the Peace before whom shall be recovered any of the pecuniary Penalties imposed by this Act, or which shall be imposed by any Rules, Orders, or Regulations to be made in pursuance thereof, (where no other Manner of Mitigation of any such Penalties is hereby directed, or shall be directed by any such Rules, Orders, or Regulations,) to mitigate or lessen any of such Penalties as they or he in their Discretion shall think fit.

As to Con-
viction of
Offenders.

LXIV. And for the more easy Conviction of Offenders, be it further enacted, That the Justices or Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Regulation to be made in pursuance thereof,

thereof, may cause the Conviction to be drawn up in the following Form of Words, or in other Words to the same Effect; *videlicet*,

‘ Liberty of *Peterborough* } BE it remembered, That on the
 ‘ in the County of } Day of in the Year 18
 ‘ *Northampton*, to wit. }
 ‘ *A. B.* is [*or are*] convicted before me [*or before us*]
 ‘ One of Her Majesty’s Justices of the Peace for the Liberty of
 ‘ *Peterborough*, by virtue of an Act of Parliament passed in the
 ‘ Second Year of the Reign of Queen *Victoria*, intituled an Act
 ‘ [*here set forth the Title of this Act*], of [specifying the
 ‘ Offence, and the Time and Place when and where the same was com-
 ‘ mitted, as the Case shall be], contrary to the said Act, or [*as the Case*
 ‘ shall be] contrary to a certain made on the
 ‘ Day of One thousand eight hundred and
 ‘ pursuant to the said Act, for which Offence I [*or we*] adjudge the
 ‘ said to have forfeited the Sum of and [*if*
 ‘ mitigated] which I [*or we*] mitigate to the Sum of
 ‘ Given under my Hand and Seal [*or our Hands and Seals*], the Day
 ‘ and Year first above written.’

Form of
Conviction.

LXV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment so directed to be made as aforesaid, or by any Conviction in pursuance of this Act, or of any Rule, Order, or Regulation to be made in virtue thereof, and for which no other Method of Relief is by Law or by this Act otherwise appointed or directed, such Person or Persons shall and may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden in and for the said Liberty or Soke and Hundred within Four Calendar Months after the Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the Peace of the said Liberty or Soke and Hundred in case of the Appeal being against any such Rate or Assessment, or if against any Conviction under this Act, then to the Justice or Justices of the Peace before whom such Person or Persons shall have been convicted, and to the Person or Persons who is or are intended to be affected by such Appeal, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Liberty or Soke and Hundred in such reasonable Sum as such Justice shall direct, conditioned to try such Appeal, and to abide by such Order as shall be made, and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and any Two Justices shall and may summon the Witnesses, both on the Part of the Appellant and Respondent, to come before such General or Quarter Sessions or at some Adjournment thereof; and upon due Proof of Notice having been given, and of entering into Recognizance in manner herein-before mentioned, the said Justices, at Quarter Sessions or any Adjournment thereof, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Restitution, Damages, and Costs to the Party or Parties appealing or appealed against as the said Justices shall think proper; and the Determination of the said Justices at such

Appeal.
General

General or Quarter Sessions or Adjournment shall be final, binding, and conclusive.

Justices on Appeal may alter and quash Rates.

LXVI. Provided always, and be further enacted, That in an Appeal from or against any Rate or Assessment to be made in pursuance of or for any of the Purposes mentioned in this Act the Justices of the Peace at such General Quarter Sessions of the Peace to which such Appeal shall happen to be made shall and may alter and amend any such Rate or Assessment in such Manner as they shall think necessary for giving Relief to any Party or Parties injured or aggrieved thereby, without quashing or altering such Rate or Assessment with respect to any other Persons mentioned in the same; but if upon any such Appeal it shall by such Justices be thought necessary to set aside the whole Rate or Assessment, then and in such Case it shall be lawful for such Justices so to do, and to order a new Rate or Assessment to be made in the Manner herein-before directed.

Distress not to be deemed unlawful for Want of Form.

LXVII. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, or of any Rule, Order, or Regulation to be made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or other wrongful Proceedings if Tender of sufficient Amends shall be made, by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made it shall be lawful 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 see fit; whereupon such Proceedings or Orders and Judgments 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.

Proceedings not to be quashed for Want of Form.

LXVIII. And be it further enacted, That no Precept, Verdict, Judgment, Rule, Order, Regulation, or other Proceeding, Matter, or Thing, to be had or made in pursuance of this Act, nor any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or against any Rule, Order, or Regulation to be made in pursuance thereof, nor any Order made or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, nor any such Rule, Order, or Regulation, shall be made void or quashed for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's

Courts of Record at *Westminster*, any Law or Statute to the contrary thereof notwithstanding.

LXIX. And be it further enacted, That the said Justices shall yearly, and in every Year from and after the passing of this Act, cause the Treasurer of the said Soke or Liberty and Hundred to make out a Balance Sheet or Abstract of the total Amount of Receipts and Expenditure of all Monies to be received and expended under and by virtue of this Act, showing, under general and distinct Heads, the Amount of Monies received and expended respectively, and the Balance of the said Account, which Account shall be audited and signed, and certified to have been audited, by at least Two of the said Justices, and shall be made up to the Twenty-fifth Day of *December* in each Year inclusive; and the said Justices shall cause the said Treasurer to transmit a Copy of such Account, free of Expence, to the Clerk of the Peace of the said Liberty or Soke and Hundred, on or before the First Day of *January* in each Year; and the said Accounts, when so transmitted, shall remain in the Office of the Clerk of the Peace for the Time being, and shall be open to the Inspection of every Person liable to pay any of the Rates hereby authorized to be raised and levied, and to every Mortgagee of the said Rates, at all reasonable Times, with Liberty to have Copies of or Extracts therefrom, upon paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and the further Sum of One Shilling for every Hour after the first during which such Inspection shall be continued, and upon Payment at the Rate of Two Shillings for a Copy of any One of such Balance Sheets, or any Part thereof; and in case the said Treasurer shall neglect to prepare and transmit in manner aforesaid any such yearly Account, then and in every such Case he shall forfeit and pay a Sum not exceeding Twenty Pounds, to be recovered and applied in like Manner as other Penalties incurred by this Act are directed to be recovered and applied.

Treasurer to transmit yearly Accounts to the Clerk of the Peace.

LXX. And be it further enacted, That nothing in this Act contained shall extend or be construed to release or discharge, take away, lessen, or diminish any of the Liabilities, Rights, Liberties, Immunities, Exemptions, Franchises, and Privileges of the Lord Paramount of the Hundred of *Nassaburgh*, or to lessen or diminish the Liabilities, Rights, Liberties, Immunities, Franchises, and Privileges of the High Bailiff of the said Liberty or Soke and Hundred, except as hereinbefore mentioned, any thing herein contained to the contrary in anywise notwithstanding.

Act not to affect the Rights of the Lord of the Hundred or of the Bailiff of Peterborough.

LXXI. 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 FIRST SCHEDULE to which this Act refers.

Land which may be taken for the Purposes of this Act.

All that Piece or Parcel of Land or Ground situate, lying, and being in the Parish of Saint John the Baptist in the Liberty of Peterborough in the County of Northampton, the Property of the Dean and Chapter of the Cathedral Church of Peterborough, and John Bull Richards, their Lessee, and now in the several Tenures or Occupations of Thomas Parker and John Rowell, bounded towards the South on the Turnpike Road leading from Peterborough to Wansford and an Estate of William Landen Hopkinson, Esquire, towards the East on Common Muckhill Road and Estates of the said William Landen Hopkinson and William Edwards respectively, towards the North on Spital Road and Lands of the Lord Bishop of Peterborough and the Right Honourable Earl Fitzwilliam, his Lessee, and towards the West on Land of the said Lord Bishop of Peterborough and Earl Fitzwilliam, his Lessee; and which Piece or Parcel of Land or Ground contains Forty-four Acres Three Roods and Eighteen Perches, or thereabouts:

Also all that Piece or Parcel of Land or Ground situate, lying, and being in the said Parish of Saint John the Baptist, the Property of the said Dean and Chapter of the Cathedral Church of Peterborough and the Right Honourable Earl Fitzwilliam, their Lessee, and now in the Tenure or Occupation of John Thompson, bounded towards the South-east and adjoining a Road called the "New Road," towards the North-west and North-east on a Garden in the Occupation of George Flutter, and towards the South-west on Land in the Occupation of Charles Dodson; and which Piece or Parcel of Land or Ground contains Three Roods and Twenty-eight Perches, or thereabouts:

And also all those Three several Pieces or Parcels of Land situate, lying, and being in the said Parish of Saint John the Baptist, the Property of the Lord Bishop of Peterborough and the said Earl Fitzwilliam, his Lessee, and now in the several Tenures or Occupations of John Royce, Charles Parnell, and Charles Dodson, bounded towards the South-east and adjoining a Road called the "New Road" in Boongate, towards the North-west and South-west on a Garden in the Occupation of George Flutter, and towards the North-east on Land in the Occupation of John Thompson; and which said Three Pieces or Parcels of Land or Ground contain together Two Acres, or thereabouts.

The SECOND SCHEDULE to which this Act refers.

Forms of Mortgage and Transfer.

WE of Her Majesty's Justices of the Peace for the Liberty or Soke of Peterborough and Hundred of Nassaburgh in the County of Northampton, acting under and by virtue of an Act of Parliament passed in the Second Year of the Reign of Queen Victoria, intituled "An Act [*here insert the Title of this Act*]", and by virtue of the Powers in the said Act contained, in consideration of the Sum of _____ advanced and paid this _____ Day of _____ by *A. B.* of _____ into the Hands of the Treasurer for the Time being, to be applied for the Purposes thereof, grant, bargain, sell, and demise unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates and Assessments raised and collected for the Purposes of the said Act as the said Sum of _____ doth or shall bear to the whole Sum charged and advanced or to be charged and advanced upon the said Rates and Assessments, to be holden from the Day of the Date hereof until the said Sum of _____ with Interest after the Rate of _____ per Centum per Annum, shall be fully repaid and satisfied. Given under our Hands and Seals this _____ Day of _____ in the Year of our Lord _____

I [*or We*] do hereby assign and transfer this Mortgage [*if by Endorsement, or if by a separate Instrument, "a certain Mortgage"*] bearing Date the _____ Day of _____ of the Rates and Assessments raised and collected by virtue of an Act passed in the Second Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], and all my [*or our*] Right and Title to the Principal Money and Interest thereby secured, and now due thereon, unto *A. B.* of _____ Executors, Administrators, and Assigns.

Witness my Hand [*or our Hands*] this _____ Day of _____ in the Year of our Lord _____

