



ANNO SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. ix.

An Act to amend an Act of the Seventh and Eighth of King *George* the Fourth, for building a new Gaol for the Town of *Cambridge*, and for making further Provision for Payment of Creditors under the said Act. [14th *May* 1839.]

**W**HEREAS an Act was passed in the Seventh and Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for building a new Gaol for the Town of Cambridge, and for other Purposes connected therewith:* And whereas by the said Act the Justices of the Peace for the Time being acting in and for the Town of *Cambridge* (which is co-extensive with the Borough of *Cambridge*) in the County of *Cambridge* were authorized to erect and build or cause to be erected and built a proper and sufficient new Common Gaol or House of Correction for the said Town of *Cambridge*, with convenient Apartments for the Reception of Debtors, Criminals, and others, with proper and sufficient Yards, Courts, and Offices and other Conveniences, and also an Infirmary or Apartment for sick and infirm Prisoners, together with a convenient Residence for the Gaoler or other Officer; and by the said Act the said Justices were authorized to contract for the

7 & 8 G. 4.  
c. 111.

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absolute



absolute Purchase in Fee Simple or otherwise of a Piece or Parcel of Land or Ground mentioned or comprised in a Schedule to the said Act annexed, or of any other Piece or Parcel, Pieces or Parcels of Land, Tenements, or Hereditaments in the said Town of *Cambridge*, or within One Mile thereof: And whereas by the said Act the said Justices were empowered yearly and every Year to ascertain and determine what Sum or Sums of Money they should judge necessary to be assessed and raised for the Purposes of the said Act on the said Town of *Cambridge* for the Year then next following, and should thereupon order and appoint every such Sum and Sums of Money to be raised and levied by Taxation of all Lands, Houses, Tenements, and Hereditaments whatsoever within the said Town, or of all and every the Owners and Occupiers in right thereof respectively, in equal Proportions according to their Worth and Values; provided that nothing in the said Act contained should extend so as to authorize the said Justices to have any further or greater Sum of Money raised in the whole by way of Rate than the Sum of Fifteen thousand Pounds for the Purposes of the said Act: And whereas by the said Act the said Justices were empowered to borrow and take up on Mortgage of the said Rates and Assessments, at legal Interest, such Sum or Sums of Money as to them should appear expedient and necessary for the Purposes of the said Act: And whereas the said Justices soon after the passing of the said Act did borrow and take up on Mortgage of the said Rates and Assessments, at Interest, the Sum of Eight thousand Pounds, and have repaid out of such Rates and Assessments to the Mortgagees thereof the Sum of Four thousand five hundred Pounds: And whereas the Sum of One thousand Pounds, with legal Interest thereon, is due and owing and is secured unto *Charles Humfrey* of the Borough of *Cambridge*, Banker, by a Mortgage of the said Rates and Assessments, and the Sum of One thousand five hundred Pounds, with legal Interest thereon, is due and owing and is secured unto *John Lart* of *Wood Street, Cheapside*, in the City of *London*, Wholesale Hosier, by a Mortgage of the said Rates and Assessments, and the Sum of One thousand Pounds, with legal Interest thereon, is due and owing and is secured unto the Reverend *Robert Willis* of the said Borough of *Cambridge* by a Mortgage of the said Rates and Assessments: And whereas the said Justices have long since completed the said Gaol according to the Provisions of the said Act, and have also under the Powers of the said Act assessed in manner thereby directed the Sum of Sixteen thousand six hundred and sixteen Pounds Sixteen Shillings and Sixpence Farthing, and have levied, raised, and received by virtue of such Assessment the Sum of Fourteen thousand five hundred and fourteen Pounds Twelve Shillings and Nine-pence, and have expended the Sum of Fourteen thousand one hundred and eighty-seven Pounds Five Shillings and Eleven-pence, leaving the said several Sums of One thousand Pounds, One thousand five hundred Pounds, and One thousand Pounds, with Interest thereon, due and unpaid to the said *Charles Humfrey*, *John Lart*, and *Robert Willis* respectively: And whereas it is expedient and just that further Provision should be made for the Payment to the said *Charles Humfrey*, *John Lart*, and *Robert Willis* respectively of the said several Sums of One thousand Pounds, One thousand



five hundred Pounds, and One thousand Pounds, with Interest on the same Sums respectively: And whereas in the assessing, levying, and raising of the Sum or Sums of Money by the said Act directed to be raised great Expence has been incurred, and such assessing, levying, and raising of the said Sum or Sums of Money cannot be made without incurring the like Expence, by reason whereof it is expedient that Provision should be made for Payment of the said several Sums of One thousand Pounds, One thousand five hundred Pounds, and One thousand Pounds out of the Borough Fund of the said Borough, whereby the ultimate Payment thereof would be upon the same Parties as would be liable to the Payment of any Rates levied under the Provisions of the said recited Act: And whereas the Powers and Provisions of the said Act, so far as the same extend to the Order and Government of the said Gaol, are in many respects uncertain and undefined, and have become in other respects defective and insufficient for the Purposes thereby intended, and it is expedient to repeal certain Parts of the said Act, and to make Alterations and Amendments therein: 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 all the several Clauses, Provisoes, Authorities, Powers, Restrictions, Indemnities, and other Matters and Things contained in the said recited Act (except such Part or Parts thereof as are by this Act varied, altered, taken away, or repealed) shall be in full Force and Effect, in such and the like Manner in all respects, and to all Intents and Purposes, as if the same were repeated and re-enacted by this Act.

Provisions of recited Act extended to this Act.

II. And be it enacted, That so much of the said recited Act as regards the assessing, raising, levying, and collecting of any Sum or Sums of Money as in the said Act is enacted, and the empowering of the said Justices to recover the Rates as in the said Act is also enacted, shall be and the same is hereby repealed: Provided nevertheless, that it shall and may be lawful for the said Justices and they are hereby authorized and empowered to exercise all the Powers and Authorities by the said recited Act given to or vested in them, so far as the same relate to the recovering and enforcing the Payment of any Rates already made or assessed, from any Person or Persons or Body Corporate liable to pay the same, subject nevertheless and without Prejudice to the several Provisions and Exemptions contained in the said recited Act; and also that it shall and may be lawful for them, if they shall think fit, to continue any Action or Actions or other Proceedings at Law or otherwise already commenced for the Purpose of trying the Validity of any Rate or Rates already made, or the Liability of any Person or Persons or Body or Bodies Corporate to pay the same; and also that it shall be lawful for the said Justices, upon the Application of any Person or Persons liable to the Payment of any such Rate or Rates, to remit the Payment thereof if they shall consider and adjudge such Person or Persons to have clearly shown their Inability from Poverty or Distress to pay and discharge the same.

Repeal of Power to levy Rates.

Justices may enforce Payment of present Rates.

Justices may remit Rates.

III. And



Money in Hands of Treasurer under the recited Act to be paid to the Borough Treasurer.

III. And be it enacted, That all and every Sums and Sum of Money now being in the Hands of the Treasurer appointed by virtue of the said recited Act, and all Arrears of any Rate or Rates already made or assessed which shall hereafter be collected and received, shall be from Time to Time paid to the Treasurer of the said Borough in aid of the Borough Fund, whose Receipt or Receipts shall be a good and valid Discharge for all Sums of Money which shall be paid over to him under the Provisions of this Act.

Provisions of 7 W. 4. & 1 Vict. c. 78. made applicable to the Regulation of the said Gaol. 5 & 6 W. 4. c. 76.

IV. And whereas Doubts have arisen whether the Provisions of an Act of Parliament passed in the Seventh Year of the Reign of His late Majesty and the First Year of the Reign of Her present Majesty, intituled *An Act to amend an Act for the Regulation of Municipal Corporations in England and Wales*, whereby the Powers of Regulation which, before the passing of an Act passed in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, were possessed by the Justices having the Government or ordering of any Gaol or House of Correction, are applicable to the Regulation of the said Gaol of the said Borough of *Cambridge*; for Remedy whereof be it further enacted, That all the Powers of Regulation which before the passing of the said last-mentioned Act were possessed by the Justices having the ordering or Government of the said Gaol, and all Things by any Act of Parliament provided to be done at any General or Quarter Session of the Peace in relation to the Regulation of the said Gaol, shall be exercised or done by the Justices of the said Borough, and for that Purpose the said Justices shall hold a Quarterly Session at the usual Time for holding Quarterly Sessions of the Peace within the said Borough: Provided always, that no Order made by the Justices, in pursuance of the said Powers, which shall require the Expenditure or Payment of any Money, shall be in force until confirmed by the Council of the said Borough.

Repeal of so much of recited Act as gives Treble Costs.

V. And be it further enacted, That so much of the said Act as gives to the Defendant or Defendants Treble Costs in any Action to be commenced for any thing done or omitted to be done by virtue of the said Act be and the same is hereby repealed.

Debts due on Security of the Gaol Rates to be secured by Bond under Common Seal of the Borough.

VI. And be it further enacted, That as soon as conveniently may be after the passing of this Act the said several Debts or Sums of One thousand Pounds, One thousand five hundred Pounds, and One thousand Pounds shall be secured to the said *Charles Humfrey*, *John Lart*, and *Robert Willis* respectively by Bonds or Obligations of the said Mayor, Aldermen, and Burgesses under the Common Seal of the said Borough, in sufficient Penalties conditioned for the Payment to the said *Charles Humfrey*, *John Lart*, and *Robert Willis* respectively, their respective Executors, Administrators, or Assigns, or to such Person or Persons as the said *Charles Humfrey*, *John Lart*, and *Robert Willis* may respectively appoint and direct, and to their several and respective Executors, Administrators, or Assigns, of the Sum thereby secured, with all Arrears of Interest, if any, accrued



crued before the Date of such Bonds respectively, and all Interest thereafter to grow due thereon; and such Bonds or Obligations shall be prepared and executed at the Expence of the Borough Fund: Provided nevertheless, that each Bond shall be given for securing the Sum of Five hundred Pounds and the Interest thereon, and no more.

VII. And be it further enacted, That at the first Quarterly Meeting of the Council of the said Borough which shall be holden after the passing of this Act the said Council shall draw by Lots the said Bonds so to be given, and shall cause the same to be numbered according to the Order in which the same shall respectively be drawn, and the Bonds so drawn and numbered shall be successively discharged and paid off, according to the Priority of Numbers, out of the Borough Fund, so that One such Bond shall be discharged in every Year: Provided nevertheless, that One only of the said Bonds, with the Interest upon all such Bonds, shall be discharged and paid in any One Year.

Mode of Payment of Bonds.

VIII. And be it further enacted, That all Costs, Charges, and Expences now due and payable which have been incurred in executing the Powers of the said recited Act or in relation thereto, or which shall be hereafter incurred in the Execution of the said recited Act, or in obtaining and executing this Act, shall be a Charge upon and payable out of the Borough Fund.

Costs of recited Act and this Act to be payable out of the Borough Fund.

IX. And be it further enacted, That all Tenants or Occupiers of Premises within the said Borough at Rack Rent, who shall be assessed to any Rate made for the Relief of the Poor of the Parish in which they shall be so rated, shall and may deduct and retain, out of the Rents payable to the Landlords or Owners of such Premises respectively, One Third Part of such Money as shall be paid by them respectively towards the Discharge of the said Bonds and the Interest thereon, and of any Expences incurred or to be incurred in executing the said recited Act or in relation thereto, or in obtaining and executing this Act, and the said Landlords or Owners are hereby required to allow such Tenants or Occupiers at Rack Rent respectively such Third Part accordingly; and every such Tenant or Occupier shall be acquitted and discharged of such Third Part as fully and effectually as if the same had been actually paid as Rent to such Landlord, Owner, or other Person or Persons respectively to whom his, her, or their Rent was or should have been paid or payable; and for the Purpose of enabling such Tenant or Occupier to ascertain when he is entitled to retain such Third Part, and the Amount thereof, the Council of the said Borough is hereby required from Time to Time, when and as any One of the said Bonds shall become payable, to make a specific Rate in the Nature of a County Rate within the said Borough for Payment of such Bond, and of all Interest which may be due upon all the said Debts or Bonds, and also of all Expences incurred or to be incurred in executing the said Act or in relation thereto, or in obtaining and executing this Act, in addition to the Amount which may have been estimated by the

Tenants to be allowed One Third of Rates by their Landlords.

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Council



Council as sufficient for the Payment of the ordinary Expences of the said Borough; and the Treasurer of the said Borough shall thereupon give Notice thereof to the Overseers of the several Parishes within the said Borough, who are hereby respectively required, on demanding and receiving from the Person or Persons liable to pay any Rate made for the Relief of the Poor, to specify and distinguish, in a Receipt given by them for such Rate, the Amount thereof which shall be applicable to the Discharge and Payment of such Bond and Interest: Provided nevertheless, that the Nonpayment by any Person of so much of any Rate made as shall be specified as aforesaid to be applicable to the Discharge of the said Bonds, Interest, and Expences, or any Part thereof, shall not disqualify such Person for voting in the Election of any Member to serve in Parliament for the said Borough, or in the Election of any Councillors, Assessors, or Auditors of the said Borough, any Law to the contrary thereof notwithstanding.

Judges of Assize, Oyer and Terminer, and Gaol Delivery to commit Offenders to the Borough Gaol.  
5 & 6 W. 4. c.76.

X. And whereas by Law Her Majesty's Justices of Assize are required to commit, after Trial, all Offenders convicted at any Assize, to the Gaol of the County in which such Assize shall be holden, for the several Terms of Imprisonment to which such Offenders may be sentenced: And whereas by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, it is enacted, that the Council of every Borough in which a separate Quarter Sessions of the Peace shall be holden shall pay to the Treasurer of every County in *England* and *Wales* all the Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport, of all Offenders committed for Trial at such Assizes from such Borough: And whereas the Borough of *Cambridge* is a Borough in which a separate Quarter Sessions of the Peace is holden, and it would tend very much to the Advantage and Relief of the Inhabitants of the said Borough if all Offenders within the said Borough were committed after Trial and Conviction to the Gaol of the said Borough; be it therefore further enacted, That from and after the passing of this Act it shall be lawful to and for the Justices of Assize, Oyer and Terminer, and Gaol Delivery for the County of *Cambridge*, and they are hereby authorized and required, after the Trial and Conviction of all Offenders who shall have been committed for Trial at any Assize held for the said County from the said Borough, to commit such Offenders to the Gaol of the said Borough, and not to the Gaol of the said County, for the various Terms of Imprisonment to which such Offenders may be sentenced, and also until any Offender or Offenders who shall be sentenced to Transportation or to suffer Death shall be removed from the Gaol of the said Borough to undergo such Sentence.

Act not to affect Rights of the University.

XI. And be it further enacted, That nothing in this Act shall extend or be construed to extend to take away, lessen, or diminish any of the Rights, Liberties, Immunities, Exemptions, Franchises, and Privileges of the Chancellor, Masters, and Scholars of the University of *Cambridge*, or any of the Colleges or Halls within the said University,

University, any thing herein contained to the contrary in anywise notwithstanding.

XII. And be it further enacted, That this Act shall be deemed Public Act. and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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LONDON : Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1839.

