ANNO TERTIO

GULIELMI IV. REGIS.

Cap. i.

An Act for raising Money to pay Compensation for Damages committed within the Hundred of *Broxtowe* in the County of *Nottingham* during the late Riots and Tumults therein.

[29th *March* 1832.]

WHEREAS in or about the Month of *October* One thousand eight hundred and thirty-one divers Persons did riotously and tumultuously assemble themselves at sundry Places within the Hundred of *Broxtowe* in the County of *Nottingham*, and being so assembled did feloniously demolish, pull down, and destroy, wholly or in part, divers Houses, Mills, Buildings, and Erections within the said Hundred, together with the Fixtures, Furniture, or Goods within such Houses, Mills, Buildings, and Erections: And whereas 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 consolidating and amending the Laws in* England *relative to Remedies against the Hundred:* And whereas several Persons have in pursuance of the said recited Act commenced and prosecuted Actions at Law, and proceeded to final Judgment therein, against the Inhabitants of the said Hundred, for the Damages and Injury respectively sustained by them in consequence of the felonious Destruction of their Property, and have recovered large Sums of Money as Compensation for such Damages and for Costs of Suit, and such Sums of Money have been wholly or in part levied upon and paid by the Inhabitants of the said Hundred: And whereas the Most Noble *Henry Pelham* 7&8G.4.c.31.

Duke of *Newcastle*, as Owner of a certain House called *Nottingham Castle*, situate within the said Hundred, did also commence an Action at Law against the said Inhabitants for the Damage and Injury sustained by him in consequence of the felonious Demolition of the said House and other Property therein, and at the last Assizes held for the County of *Leicester* obtained a Verdict for the Sum of Twenty-one thousand Pounds as a Compensation for such Damage, together with Costs of Suit, and the Inhabitants of the said Hundred have expended a considerable Sum of Money in defending the said Action at Law: And whereas it is manifest that the said Sum of Twenty-one thousand Pounds so recovered by the said Duke of *Newcastle*, with the Costs of Suit, and the Expences incurred by the Inhabitants of the said Hundred, cannot be immediately raised or forthwith levied upon the said Inhabitants without occasioning the most serious Distress and Inconvenience, and it is therefore expedient that Power should be granted for borrowing Money to satisfy and discharge such Damages, Costs, and Expences, and for paying off the same in manner herein-after mentioned; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Justices of the Peace acting in and for the County of *Nottingham* assembled in General Quarter Sessions, or at any Adjournment or Adjournments thereof, shall and they are hereby required, authorized, and empowered to ascertain the Amount of the Damages and Costs of Suit recovered by the said Duke of *Newcastle* against the Inhabitants of the said Hundred of *Broxtowe*, and the Costs, Charges, and Expences incurred by them or on their Behalf, and duly allowed to them in consequence of the said Suit, and after having ascertained the same to borrow and take up on Mortgage of the Proportion of the Rate or Assessment for the County of *Nottingham*, charged upon the Inhabitants of the said Hundred, according to the Laws now in force for assessing County Rates (except as herein-after mentioned), by Instrument in the Form contained in the Schedule to this Act annexed marked (A.), or to the like Effect, any Sum or Sums of Money not exceeding the Amount so ascertained as aforesaid, either by way of Loan at Interest, or by Sale of Annuities, for the Term of Seven Years, as to the said Justices shall appear necessary and expedient for the Purposes aforesaid, and to secure every such Sum of Money so borrowed upon the Credit of such Proportion of Rate; and it shall be lawful for the Justices so assembled, and they are hereby authorized, to treat and agree with any Person or Persons for the Loan of any such Sums of Money, and by their Order to confirm every such Agreement; and every such Agreement, signed by the Chairman and any Two or more other Justices present at the Time of making such Order, shall be and the same is hereby declared to be effectual for securing every such Sum of Money so advanced, with Interest thereon, to the Person or Persons advancing the same, on such Terms as in and by such Agreement shall be stipulated; and Copies or Extracts of all such Agreements shall be kept by the Clerk of the Peace of the said County.

Power for Justices in Sessions to borrow Money on Mortgage of the Rates.

II. And

Justices may borrow Money from Exchequer Bill Loan Commissioners.

II. And be it further enacted, That it shall be lawful for the said Justices of the Peace from Time to Time, or at any One Time, to apply for the Loan of all or any Part of the Money hereby authorized to be borrowed and raised to the Commissioners acting in the Execution of an Act passed in the First and Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts,* and of the several Acts therein recited and referred to; and it shall be lawful for the said Commissioners to advance to the said Justices of the Peace the Whole or any Part of the Money hereby authorized to be borrowed and raised, either in One Sum or in separate Sums, and either by way of Loan, or Sale of Annuities for the Term of Seven Years, upon the Credit of the Rates authorized to be made, raised, and assessed as herein-before mentioned, without requiring personal Security; and it shall be lawful for the said Justices of the Peace to mortgage or assign the said Rates to the said Commissioners or their Secretary for the Time being, in such Manner and Form as they the said Commissioners shall direct and appoint, as Security for the Payment of the Principal and Interest of any Sum or Sums so to be advanced, or of the said Annuities so to be granted, by such annual or other Instalments as may be agreed upon between the said Justices of the Peace and the said Commissioners, and as shall be specified in such Mortgages or Assignments, without requiring Interest to be paid on the Sum or Sums so advanced at any higher Rate than Four Pounds *per Centum per Annum* in any such Mortgage or Assignment; and the Sum payable under and by virtue of the same shall in all Cases have Preference and Priority over any other Mortgage, Assignment, or other Security or Securities upon the said Rates, until the Principal Money advanced by the said Commissioners in Exchequer Bills or otherwise, and all Interest thereon, or Arrears of Annuity due or owing to them, shall be fully paid and satisfied; and all such Mortgages or Assignments so to be given to the said Commissioners shall not be impeached or impeachable for any Irregularity or Informality in the Proceedings of the said Justices of the Peace in the Execution of this Act, or in the Grant of any such Mortgages or Assignments as aforesaid; any thing contained in this Act, or any other of the Acts of Parliament herein-before recited or referred to, to the contrary thereof notwithstanding.

1 & 2 Will. 4. c. 24.

Securities for Money to be transferable.

III. And be it further enacted, That it shall be lawful for the respective Persons, Corporations Sole or Aggregate, entitled to any of the Securities to be given by virtue of this Act, and their respective Executors, Administrators, Successors, or Assigns, at any Time, by Writing under their Hands and Seals or Corporate Seals, to transfer such Securities to any Person or Persons, Corporation Sole or Aggregate, whomsoever, by Indorsement on the Back of such Security, or any Writing to be annexed thereto, in the Form mentioned in the Schedule to this Act annexed (B.), or to the like Effect; and all Mortgages and Assignments which shall be made in pursuance of this Act, and Memorials of all Transfers thereof, shall be

entered in a Book to be kept for that Purpose by the Clerk of the Peace for the said County, which Entries shall specify and contain the Dates, Names of the Parties, and the Sums of Money thereby secured, to which Book all Persons interested shall or may at all seasonable Times have Access, and shall have free Liberty to inspect the same; and for the Entry of every such Transfer the said Clerk of the Peace shall be paid by the Person to whom the same shall be made the Sum of Two Shillings and Sixpence, and no more; and after such Entry made of any Transfer every such Transfer so entered shall entitle the Persons, Corporation Sole or Aggregate, to whom the same shall be made, and his, her, and their respective Executors, Administrators, Successors, and Assigns, to the Benefit of the Security thereby transferred.

Power to borrow Money at lower Interest to discharge Securities at higher.

IV. And be it further enacted, That in case the said Justices of the Peace can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Mortgages or Assignments which shall be then in force shall bear, it shall be lawful for the said Justices of the Peace from Time to Time to charge such Rates authorized to be made, raised, and assessed under and by virtue of this Act with such Sum or Sums of Money as they shall think fit or proper, and the Interest thereof at such lower Rate aforesaid, and to pay off and discharge therewith the Mortgages or Assignments bearing a higher Rate of Interest.

Justices may charge Rates with Interest on Money borrowed to form a Sinking Fund to repay the whole.

V. And be it further enacted, That it shall be lawful for the said Justices of the Peace, and they are hereby authorized and required, from Time to Time to charge the Proportion of the County Rate to be raised upon the Inhabitants of the said Hundred of *Broxtowe* (except as herein-after mentioned), not only with the Interest by half-yearly Payments of the Money so borrowed by way of Loan, but also with the Payment of such further Sum as shall ensure the Payment of the whole of the Sum so borrowed within Seven Years from the Time of borrowing the same, in equal yearly Payments, or with the Payment of such Annuities for the like Period as shall be agreed to be paid or granted for and in respect of any Part of the Money so borrowed, together with the Expences incident to the obtaining and passing this Act, and of executing the same; and such Sums shall be assessed and recovered on the said Hundred (except as herein-after mentioned) in such Manner as County Rates are directed to be assessed and recovered under the Laws in force for that Purpose, and shall be paid and applied, under the Direction of the said Justices of the Peace, in discharge of the Interest, and of so many of the Principal Sums on the said Securities or of such Annuities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the said Justices of the Peace shall and they are hereby required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and such Justices shall also and they are hereby required to appoint a proper Person to receive all and every the Rates charged upon the said Hundred for the Purposes of this Act,

and to apply the same in conformity to the Provisions of the said Act, and to the Orders of the said Justices in that respect; and such Receiver is also required to keep an exact and regular Account of all such Receipts and Payments in a Book or Books to be kept for that Purpose, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing due, and what Principal Money or Annuities hath or have been discharged and what remains due, and the Book or Books so adjusted and settled to deliver into Court at every General or Quarter Sessions to be held for the said County; and the Justices of the Peace shall also and they are hereby required at every such Sessions carefully to inspect all such Accounts, and to make Orders for carrying the Purposes of this Act into execution in such Manner as to them shall seem meet; and if at any Time it shall appear to the said Justices that the Person appointed for the Purposes aforesaid hath neglected to perform any Matter or Thing required by this Act or by the Order of such Justices, or has not duly and without Delay applied all the Money in his Hands to the Purposes directed by this Act, such Person shall forfeit a Sum equal to One Half the Amount of the Money which shall not have been applied to the Purposes of this Act; and the Justices so assembled in Sessions as aforesaid shall, in case the Money authorized to be raised under the Provisions of this Act shall not be borrowed in One Sum, direct in what Order such Securities shall be discharged, by drawing Lots or otherwise as they shall think fit, taking care to discharge, in the first place, all such Securities as shall bear the highest Rate of Interest.

Powers of 6. G. 4. c. 40. applied to this Act.

VI. And be it further enacted, That an Act made in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to enable Justices of the Peace in* England, *in certain Cases, to borrow Money on Mortgage of the Rate of the County, Riding, or Place for which such Justices shall be then acting*, and the several Clauses, Powers, and Provisions in the said Act contained relating to the paying off of any Debt or Debts, and the borrowing of any Money for such Purpose, shall or may be applied in the borrowing or paying off any Money borrowed under the Provisions or for the Purposes of this Act, as fully and effectually as if such Clauses, Powers, and Provisions were repeated and re-enacted in this Act.

Power to apply Money for paying the Expences of this Act, and executing the same.

VII. And be it further enacted, That it shall be lawful for the said Justices of the Peace, and they are hereby required, by and out of the first Monies which shall be from Time to Time collected and raised by virtue of the Powers and Authorities in this Act contained, to pay and discharge the Costs, Charges, and Expences which shall have been incurred in or which shall be incident to and attend the obtaining and passing of this Act, together with lawful Interest for the same; and it shall be lawful for the said Justices of the Peace, out of the Money to be from Time to Time raised by virtue of this Act, to pay the other Costs, Charges, and Expences which shall be incurred from Time to Time in the Execution thereof.

Justices to declare the Amount to be paid by

VIII. And be it further enacted, That the said Justices of the Peace shall and they are hereby required immediately after ascertaining

each Parish, &c.; and Parishes paying their full Quota on or before the Day appointed to be exempted from Expences of Act, &c.

taining the Amount of the Sums authorized to be borrowed under the Provisions of this Act, at such General Quarter Sessions, or at any Adjournment thereof as aforesaid, to specify and declare, by public Advertisement in One or more of the Newspapers printed or circulated in the said County of *Nottingham*, or by Notice signed by the Clerk of the Peace, and delivered to the Churchwardens or Overseers of the Poor, or the Person or Persons authorized to collect the County Rates of each Parish, Township, or Place within the said Hundred, the Sum to be paid or contributed by each Parish, Township, or Place as the proportionate Quota or Share of the whole Sum of Money so ascertained as aforesaid, and which the Inhabitants of the said Hundred would have been liable to pay in case this Act had not been passed, and also to appoint a Day on or before which the Churchwardens or Overseers of the Poor of any such Parish, Township, or Place, desirous of paying the full Amount of such proportionate Quota or Share, may pay the same to the Person appointed as Receiver under this Act; and upon Payment thereof accordingly such Parish, Township, or Place shall be discharged from all future Payments relating to the integral Sum whereof such Quota or Share shall have been so paid, and from the Interest thereof, and also from any Share of the Expences of obtaining this Act, or relating to the Execution thereof.

Power for Parishes to raise Money on Security of their Parochial Rates.

IX. And be it further enacted, That if the Inhabitants of any Parish, Township, or Place within the said Hundred shall be desirous of borrowing the Money to be required for the Purposes of this Act upon Security of their respective Parochial Rates or Assessments, it shall be lawful for the Churchwardens and Overseers of the Poor in every such Parish, Township, or Place, or if there be no Churchwardens, then for the Overseers of the Poor for any such Township or Place, (with the Consent of the Inhabitants thereof in Vestry assembled,) to raise the Sum or Sums of Money required as the Quota or Share of such Parish, Township, or Place, for the Purposes of this Act, by Loan, to be repaid within Seven Years from the Time of borrowing the same in equal yearly Payments, or by the Sale of Annuities for the like Term of Seven Years; and the Churchwardens and Overseers of the Poor shall and they are hereby authorized, by Instrument in the Form contained in the Schedule annexed to this Act marked (C.), or to the like Effect, to secure the Money to be so borrowed upon the Credit of the respective Parochial Rates or Assessments on any such Parish, Township, or Place, with the Repayment of the Principal Sum which shall have been so borrowed, and the Interest thereof, or with the Payment of the Annuity thereby granted (as the Case may be); and such Securities shall be registered with the Clerk of the Peace for the said County (for each of which a Fee of Two Shillings and Sixpence shall be paid), and it shall be lawful for each and every Person who shall be entitled to the Money thereby secured, and such Person is hereby empowered, by indorsing his or her Name on the Back of such Security, to transfer the same, and his or her Right to the Principal Money and Interest thereby secured, unto any other Person or Persons; and every such Assignee may in like Manner transfer the same again, and so *toties quoties*; and the Person to whom such Security or any Assignment thereof shall

shall be made, and his Executors, Administrators, and Assigns, shall be Creditors upon the said Rate in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced: Provided nevertheless, that such Parish, Township, or Place shall not, by reason of exercising the Powers aforesaid, be exempted from the Payment of their proportionate Quota or Share of the Expences of obtaining this Act, or relating to the Execution thereof.

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

The SCHEDULES to which the aforegoing Act refers.

SCHEDULE (A.)

WE, *A. B.*, one of His Majesty's Justices of the Peace and Chairman of the Court of Quarter Sessions of the Peace holden at
on the
Day of One thousand eight hundred and thirty-
C. D. and *E. F.*, Two other of His Majesty's Justices of the Peace acting for the said County, and assembled in the said Court, in pursuance of the Powers given to us by an Act passed in the Third Year of the Reign of His Majesty King William the Fourth, intituled [*here insert the Title of this Act*], do hereby in open Court mortgage and charge all the Rates to be raised within the Hundred of Broxtowe in the said County under the Description of County Rates, by the Laws now in force, (except in respect of the Parishes, Townships, or Places following, that is to say
which are exempted by virtue of the said Act,) with the Payment of the Sum of which *G. H.* of
hath proposed and agreed to lend, and hath now actually advanced and paid into the Hands of the Receiver appointed under the said Act for the Purposes of the said Act; and we do hereby confirm, establish, and assign the same unto the said *G. H.*, his Executors, Administrators, and Assigns, for securing the Repayment of the Sum of and Interest for the same after the Rate of per Centum per Annum, and do order the said Receiver to pay the Interest of the said Sum of
half-yearly, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act [*or* a certain Annuity of for the Term of Years, by half-yearly Payments from the Date hereof, *as the Case may be*]. In witness whereof we have hereunto set our Hands and Seals the
Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE (B.)

I [*or* We] [*naming the Party assigning*] do transfer this Mortgage, with all my [*or* our] Right and Title to the Principal Money thereby secured, and all Interest now due or to become due for the same, [*or, as the Case may be*, the Annuity thereby secured, and all Arrears thereof,] to [*naming the Party to whom the Security is assigned,*] his [*or* her *or* their] Executors, Administrators, Successors, and Assigns. Dated the Day of
One thousand eight hundred and

SCHE-

SCHEDULE (C.)

BY virtue of an Act passed in the Third Year of the Reign of His Majesty King William the Fourth, intituled [*here insert the Title of this Act*], we, *A. B. C. D.* &c., the Churchwardens and Overseers of the Poor [*or* Overseers of the Poor, *as the Case may be*], for the Parish [*or* Township, *as the Case may be*,] of *E.* in the Hundred of Broxtowe in the County of Nottingham, in consideration of the Sum of to us in Hand paid by for the Purposes of the said Act, do hereby charge the Poor Rates to be hereafter made, and the several Sums of Money to be raised thereupon within the said Parish [*or* Township, *as the Case may be*], with the Payment of the Interest of the said Sum of Pounds per Centum per Annum, half-yearly, and with the Payment of One Seventh Part of the Principal Sum hereby secured at the Expiration of every Year, until the whole shall be discharged [*or* a certain Annuity of for the Term of Years, by half-yearly Payments from the Date hereof, *as the Case may be*]. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord One thousand eight hundred and .

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