ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 139.

An Act for erecting a new Gaol and Houſe of Correction, and new Courts of Juſtice, in and for the County Palatine of *Durham*, and purchaſing proper Scites for the ſame; and for diſpoſing of the Old Gaol and Houſe of Correction, and Courts of Juſtice there, and making an equal County Rate for thoſe Purpoſes. [3d *June* 1809.]

WHEREAS the common Gaol, commonly called *The Gaol of the Caſtle of Durham*, and another common Priſon, commonly called *The Houſe of Correction in and for the County Palatine of Durham*, and ſituate in or near to the City of *Durham*, have by the Grand Inqueſt of and for the ſaid County Palatine, upon ſeveral Bills of Preſentment by them preferred or preſented at the Seſſion or Aſſizes and General Gaol Delivery, holden at *Durham*, in and for the ſaid County Palatine, on *Tueſday* the Ninth Day of *Auguſt*, in the Year of our Lord One thouſand eight hundred and eight, been ſeverally found to be, and the ſame are greatly ruinous, in Decay, and out of Repair, too ſmall and wholly inconvenient, inſecure and unwholeſome, and to be totally inadequate to the Purpoſes for which they reſpectively were intended: And whereas, from Time immemorial, and by ancient preſcriptive Right and Uſage, there hath been, and there now is, a Seſſion or Court of Pleas, and alſo a Court of General Gaol Delivery, in and for the ſaid County Palatine, holden within the Court or Court Houſes ſtanding upon the *Palace Green*, ſituate at or

near to the City of *Durham* aforesaid, and the Justices or Judges, for the Time being, of the said Session or Court of Pleas, sit in Bank: And whereas the County Court, in and for the said County Palatine, hath been for Time immemorial, and now is, holden in the said Court or Court Houses, upon the said *Palace Green* at *Durham* aforesaid: And whereas as well the before-mentioned Session or Court of Pleas, and Court of General Gaol Delivery, and County Court, as also the Assizes and the General Quarter Sessions of the Peace, in and for the said County Palatine, are holden in the aforesaid Court Houses, upon the *Palace Green* at *Durham* aforesaid: And whereas the before-mentioned Court Houses or Buildings, in which the aforesaid several Courts and Assizes, and the General Quarter Sessions of the Peace, in and for the said County Palatine, have been and are so holden as aforesaid, have, by the same Grand Inquest upon another Bill of Presentment by them preferred or presented at the said Session or Assizes, and General Gaol Delivery, holden on the Ninth Day of *August* One thousand eight hundred and eight as aforesaid, been found to be, and the same are greatly ruinous, in Decay, and out of Repair, too small, incommodious, insufficient, and unfit for the Administration of Justice: And whereas it is become expedient and necessary for the safe Custody and Health of the Prisoners confined in the Prisons of the said County, and for the more convenient Administration of Justice, that the Justices of the Peace for the said County of *Durham* should be empowered and enabled to erect, build, and provide a new Gaol or Prison, and a new House of Correction for the said County, and new and proper Court Houses of Justice in a new Situation, and upon new Scites, within the said City of *Durham*, or the Suburbs thereof, together with suitable Accommodations to answer the several Purposes aforesaid, and the other public Purposes of the said County; and to purchase such Messuages, Buildings, Lands, and Hereditaments as may be necessary or convenient for such Purposes, and to charge the Expences thereof upon, and to raise, pay, and discharge the same, and the other Expences of carrying this Act into Execution, by and out of the Public Stock and County Rate of and for the said County, to be assessed and raised by or under the Authority of this Act, or by such other Ways and Means as are herein-after provided and enacted in that Behalf; and should also be empowered and enabled to sell, or otherwise dispose of the said old Gaol or Prison and House of Correction, and the said old Court-Houses, and the Scites and Materials thereof respectively: And whereas it is expedient and desirable, and will conduce to the more convenient Administration of Justice, that as well the Session or Court of Pleas, as the Court of General Gaol Delivery, and the Assizes and General Quarter Sessions of the Peace, and the County Court in and for the said County Palatine, and the other Public Meetings within the same County, should be holden in such new Court Houses as soon as the same shall be erected and completed, and should thenceforth be in future continued to be holden therein: And whereas it is also expedient, that Power and Authority should be given to and vested in the Justices of the Peace for the said County of *Durham*, in their General Quarter Sessions assembled, in order to raise, pay, and discharge the several Expences and Charges aforesaid to make a fair and equal special County Rate within and for the said County, and for that Purpose to assess and tax rateably, and in due Proportions, all and every the Parishes, Towns, Liberties, Precincts, Villages, Hamlets, Extra-parochial Places, and other Places within the said County of *Durham*, according to the Annual Rent or Value of Messuages, Lands, and Hereditaments.

ments and Estates therein, for and towards the same Rate; and that the said Justices so assembled as aforesaid should be empowered and enabled to borrow Money upon Security of the same County Rate for or towards answering the Purposes aforesaid: But inasmuch as the several Ends and 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 from and after the passing of this Act, the Justices of the Peace for the said County of *Durham*, assembled in their General Quarter Sessions of the Peace, or at any Adjournment or Adjournments thereof, or the major Part of them, shall have full Power and Authority, and they are hereby directed and required, from Time to Time, to assess and raise within and upon the said County of *Durham*, such Sum or Sums of Money as shall be requisite or sufficient for the effecting and carrying into full Execution the several Powers and Purposes of this Act, and for the paying and discharging of the several Costs, Charges, and Expences incident to, or attending the same, or to be occasioned thereby; and to that End, Intent, and Purpose, the said Justices of the Peace so assembled as aforesaid, or the major Part of them, shall have full Power and Authority, and they are hereby directed and required, from Time to Time, to assess and tax to a special County Rate, all and every Parish, Town, Liberty, Precinct, Village, Hamlet, and Extra-parochial Place, and other Place within the said County, rateably, and in equal Proportions, according to the annual Rent or Value of Estates within such Parish, Town, Liberty, Precinct, Village, Hamlet, and Extra-parochial, and other Place respectively.

Rental of the County to be delivered to the next Quarter Sessions.

II. And, in order the better to enable the said Justices of the Peace for the said County of *Durham*, to assess and tax rateably, and in equal Proportions, all and every such Parishes, Towns, Liberties, Precincts, Villages, Hamlets, and Extra-parochial Places, and other Places, be it further enacted, That at the first General Quarter Sessions of the Peace to be holden in and for the said County of *Durham* next after the passing of this Act, or at any Adjournment or Adjournments thereof, or at such other Time or Times, and Place or Places as the said Justices of the Peace assembled in their General Quarter Sessions, or at any Adjournment or Adjournments thereof, or the major Part of them shall for that Purpose appoint, and give Notice of by public Advertisement in some One or more of the Newspapers published at *Newcastle-upon-Tyne*; the respective Churchwardens and Overseers of the Poor of the said several Parishes, Towns, Liberties, Precincts, Villages, Hamlets, and Places respectively shall, and they are hereby required to make a Return, in Writing, to the said Justices so assembled in Sessions, or at any Adjournment or Adjournments thereof as aforesaid, or to the said Justices of the Peace assembled at such other Place or Places, and at such other Time or Times as shall for that Purpose be so appointed and advertised as aforesaid, (which Returns shall be severally verified upon Oath at the Time of delivering in the same, by the Person or Persons so delivering in the same respectively; and which Oath any One or more of the said Justices of the Peace is and are hereby authorized to administer), of the total Amount of the Rental or Value of the several Estates and rateable Property within the Parish, Town, Liberty, Precinct, Village, Hamlet,

Hamlet, or Place, to which they ſhall reſpectively belong, charged or aſſeſſed to the Poor's Rate of and in ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, at the Time of making ſuch Return, or liable ſo to be; and the Mode adopted of making each ſuch Rate, and the Principle or Baſis upon which the ſame is made and calculated, ſhall be fully ſtated and pointed out, in Writing, upon every ſuch Return, and verified upon Oath as aforeſaid, by ſuch Churchwardens and Overſeers reſpectively, in order that the ſaid Juſtices may be enabled to diſcover and learn the real Amount of the Rental or Value of the Eſtates within ſuch ſeveral Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, or Places reſpectively; and every ſuch Return ſhall be ſigned with the Name or Names of the Churchwarden or Churchwardens, and Overſeer or Overſeers reſpectively, ſo delivering in the ſame.

Penalty on Churchwardens and Overſeers not making Returns.

III. And be it further enacted, That in caſe any Churchwarden or Overſeer of the Poor of any of the ſeveral Pariſhes, Towns, Liberties, Precincts, Villages, Hamlets, or Places within the ſaid County of *Durham*, ſhall neglect or make Default in making any ſuch Return or Returns, in Manner aforeſaid, then, and in every ſuch Caſe, each and every ſuch Churchwarden, and Overſeer of the Poor ſo neglecting or making Default (without ſufficient Cauſe or Excuſe, to be allowed by the ſaid Juſtices ſo aſſembled in their General Quarter Seſſions, or at any Adjournment or Adjournments thereof, or at ſuch other Places or Times as aforeſaid), ſhall forfeit and pay ſuch Sum and Sums of Money not exceeding One Hundred Pounds, as ſhall or may be ordered or adjudged by the ſaid Juſtices ſo aſſembled as aforeſaid, by way of Penalty for ſuch Neglect or Default; and in Caſe any ſuch Penalty ſhall not be forthwith paid, it ſhall and may be lawful to and for the ſaid Juſtices ſo aſſembled, and they are hereby directed to iſſue their Warrant to the High Conſtable of the Ward or Diviſion where ſuch Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place ſhall be ſituated, directing him to levy ſuch Penalty upon the reſpective Goods and Chattels of each and every Churchwarden and Overſeer of the Poor of the Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place ſo neglecting or making Default, in like Manner, and with ſuch Powers and Authorities as the ſaid High Conſtable is, by a Statute made in the Twelfth Year of the Reign of his late Majeſty King *George* the Second, intituled, *An Act for the more eaſy aſſeſſing, collecting, and levying County Rates*, veſted with, for levying on the Churchwardens and Overſeers of the Poor, the Sums aſſeſſed for the County Rates.

Pariſhes may be aſſeſſed although no Return made, or inſufficient Returns, &c. or where no Poor's Rate is collected.

IV. And be it further enacted, That if any Churchwarden or Churchwardens, or Overſeer or Overſeers of the Poor, ſhall neglect to make and deliver in, or ſhall make Default in delivering in ſuch Return or Returns as aforeſaid, or if it ſhall happen that notwithſtanding the incurring of any ſuch Penalty or Penalties as aforeſaid, for or on Account of ſuch Neglect or Default, or if from any other Cauſe whatever it ſhall happen that a Return for any Pariſh, Town, Liberty, Precinct, Village, Hamlet, or Place, ſhall not be made within the Time herein-before limited for the making thereof, or in caſe any Return or Returns ſhall be made under this Act, which ſhall upon the Examination of Witneſſes upon Oath (which Oath any One or more of the Juſtices of the Peace for the ſaid County of *Durham* is and are hereby authorized to adminiſter),

be

be deemed and adjudged by the said Justices of the Peace in their General Quarter Sessions, or at any Adjournment or Adjournments thereof, or at such other Place or Places, or Times so assembled as aforesaid, or the major Part of them, to be incomplete and defective, or insufficient for discovering the real Amount of the Rental or Value of the Estates within any Parish, Town, Liberty, Precinct, Village, Hamlet, or Place in the said County of *Durham*, or if there is or shall be no Rate made and collected for the Relief of the Poor in any Parish, Township, Liberty, Precinct, Village, Hamlet, Extra-parochial Place, or other Place in the said County, then, and in all and every such Cases, it shall and may be lawful to and for the said Justices of the Peace, and they are hereby required, either at their said first General Quarter Sessions, or at any Adjournment or Adjournments thereof, or at some subsequent General Quarter Sessions of the Peace to be held for the said County, or at some Adjournment or Adjournments thereof, to rate, assess, and tax each and every the Parish, Town, Liberty, Precinct, Village, Hamlet, Extra-parochial Place, or other Place respectively, of or for which the Churchwarden or Churchwardens, or Overseer or Overseers of the Poor shall, through Neglect or Default, or from any other Cause, have made no such Return or Returns as aforesaid, or the Return or Returns which respectively shall have been deemed and adjudged to be incomplete and defective, or insufficient as aforesaid, or for or in which respectively there is or shall be no Rate made and collected for the Relief of the Poor as aforesaid, for and towards the said special County Rate, according to such Estimate of the just and fair annual Rent, or the just and fair Value of the Estates within such Parish, Town, Liberty, Precinct, Village, Hamlet, Extra-parochial Place, or other Place, or Parishes, Townships, Liberties, Precincts, Villages, Hamlets, Extra-parochial Places or other Places respectively, as the said Justices of the Peace shall be able to procure or obtain, by ordering a View and Survey and Valuation of the said Estates respectively, (and which Views, Surveys and Valuations they are hereby authorised and impowered to make, or cause to be made), or by taking or using any other Means which they shall think expedient or proper for that Purpose; and they are hereby authorized and impowered to order such Allowances and Compensations to be made to the respective Surveyors employed by them, and to the several Constables and other Persons within the several Districts and Divisions in the said County, for their Expences and Trouble in making such Views, Surveys and Valuations, and procuring such Estimates as aforesaid, and in collecting and levying the Rates so to be assessed and taxed as last before-mentioned respectively, as to the said Justices of the Peace shall appear reasonable and proper; and all such Allowances, Compensations, and other Expences, as shall be thereby incurred, or as shall be so ordered to be made as aforesaid, shall be, by the Justices of the Peace for the said County of *Durham*, in their General Quarter Sessions, or at any Adjournment or Adjournments thereof, assembled as aforesaid, charged upon the Parish, Town, Liberty, Precinct, Hamlet, Extra-parochial Place, or other Place which shall or may be so rated, assessed, and taxed, as last herein-before mentioned, in Addition to the Proportion of the said special County Rate to be paid by such Parish, Town, Liberty, Precinct, Village, Hamlet, Extra-parochial Place, or other Place; and such Allowances, Compensations, and Expences, shall and may be raised, levied, and collected by such and the like Ways and Means as the said special County Rate can or may be raised, levied, and collected, and shall be paid therewith.

How the County Rate is to be raised and collected in Parishes, &c. where there shall be no Poor's Rate assessed.

V, And be it further enacted, That in any Parish, Township, Liberty, Precinct, Hamlet, Village, Extra-parochial Place, or other Place in the said County of *Durham*, where no Rate is or shall be made and collected for the Relief of the Poor, it shall and may be lawful to and for the Justices of the Peace for the said County, assembled in their General Quarter Sessions, or at any Adjournment thereof, or the major Part of them, to order and direct the Sum of Money which shall from Time to Time be assessed by or under the Authority of this Act, as or for the special County Rate upon such Parish, Township, Liberty, Precinct, Hamlet, Village, Extra-parochial Place, or other Place to be rated and levied on the Inhabitant or Inhabitants, or Occupier or Occupiers of Messuages, Lands, and Tenements therein, by such one or more Inhabitant or Inhabitants, or Occupier or Occupiers, in such and the same Manner as any Rate for the Relief of the Poor is by Law directed to be rated or levied; which Sum so rated and levied shall be paid by such one or more Inhabitant or Occupier, or Inhabitants or Occupiers, to the Chief Constable of the Ward or Division wherein such Parish, Township, Liberty, Precinct, Hamlet, Village, Extra-parochial Place, or other Place doth lie, within the Space of Twenty-one Days next after Demand thereof made in Writing, to be given to such one or more Inhabitant or Inhabitants, or Occupier or Occupiers, or left at his, her, or their Dwelling-house or Houses by the said Chief Constable of such Ward or Division, which Demand the said Chief Constable is hereby required to make at such Times as the said Justices of the Peace shall, by their Order in Sessions direct; and in case such one or more Inhabitant or Occupier, or Inhabitants or Occupiers, shall neglect or refuse to pay the Sum or Sums so assessed, as and for the special County Rate to be raised by or under the Authority of this Act, after Demand made as aforesaid, such Chief Constable shall and is hereby impowered and required to levy the same by Distress and Sale of the Goods and Chattels of such one or more Inhabitant or Inhabitants, or Occupier or Occupiers, so neglecting or refusing to pay the same as aforesaid, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the said County of *Durham*, rendering the Overplus (if any) on Demand, after deducting the Money assessed, and the Charges of the Distress and Sale, to the Owner or Owners thereof; and if such one or more Inhabitant or Inhabitants, or Occupier or Occupiers, shall pay such Sum or Sums before the same shall be so by him rated and levied as aforesaid, he, she, or they shall and may afterwards rate and levy the same, or shall and may be allowed and reimbursed the said Sum or Sums of Money by a Rate made or to be made upon all and every the Inhabitant or Inhabitants, or Occupier or Occupiers of Messuages, Lands, and Tenements within such Parish, Township, Liberty, Precinct, Hamlet, Village, Extra-parochial Place, or other Place which any Two or more Justices of the Peace for the said County shall order and direct, and shall be subject and liable to, and shall have and possess the same Powers and Remedies for the Recovery thereof, by Distress and Sale in Cases of Non-payment, as are herein-before given to the Chief Constable,

Allowing an Appeal for over-rating.

VI. Provided always, and be it enacted, That if the Churchwarden or Churchwardens, Overseer or Overseers of the Poor of any Parish, Town, Liberty, Precinct, Village, Hamlet, or Place in the said County, or any Inhabitant or Occupier, or Inhabitants or Occupiers of any Messuages or Lands in any Extra-parochial Place in the said County, shall at any Time or Times have reason to believe that such Parish, Town, Liberty, Precinct, Village,

Village, or Hamlet, Extra-parochial Place, or other Place, is over-rated by any Rate to be made in pursuance or by the Authority of this Act, then, and in every such Case, it shall and may be lawful to and for such Churchwarden or Churchwardens, Overseer or Overseers of the Poor, and such Inhabitant or Occupier, Inhabitants or Occupiers as aforesaid, respectively to appeal to the Justices of the Peace for the said County, at their next General or General Quarter Sessions of the Peace, or at any Adjournment or Adjournments thereof, against such Part of the Rate only as may affect or concern the Parish, Town, Liberty, Precinct, Village, Hamlet, Extra-parochial Place, or other Place in which such Churchwarden or Churchwardens, Overseer or Overseers, shall serve such Offices respectively, or in which such Inhabitant or Occupier, Inhabitants or Occupiers, shall hold and occupy any such Messuages or Lands as aforesaid; and the said Justices are hereby impowered to hear and finally determine the same, and to give such Appellant or Appellants such Relief as to them, the said Justices, in their Discretion shall appear fair, just, and equitable: Provided nevertheless, that upon such Appeal no such Rate shall be quashed, disallowed, or destroyed, in regard to any other Parish, Town, Liberty, Precinct, Village, Hamlet, Extra-parochial or other Place, or to any other Person or Persons assessed thereby, any Thing in this Act, or any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding: And provided also, that such Appellant or Appellants do, or shall give or cause to be given Ten Days previous Notice in Writing to the Clerk of the Peace for the Time being of the said County of *Durham*, of his or their Intention to appeal, and in every such Notice the Ground or Grounds of every such Appeal shall be stated or set forth.

Expences of Appeals to be paid by Parishes appealing.

VII. And be it further enacted, That in case of any Appeals, Actions, Suits or Proceedings at Law, as between Parish and Parish, Township and Townships, or Place or Places, or between any Person or Persons, and any Parish or Parishes, Township or Townships, Place or Places, or any Person or Persons respecting or concerning any Matter or Thing made or done in pursuance of this Act, or any other Act or Acts relating to the said County Rate, to be assessed and raised by, or under the Authority of this Act, the Expences of all such Appeals, Actions, Suits, or Proceeding at Law, shall be borne and paid by such respective Parishes, Townships, Places and Persons, or such of them in such Manner and in such Proportions as the said Justices of the Peace upon any Appeal in their General or Quarter Sessions shall award and order, or as such Courts wherein such Actions, Suits, or Proceedings shall be instituted, shall adjudge and order, and shall not be charged to or be paid out of the said County Rate.

Extending former Acts to this Act.

VIII. And be it further enacted and declared, That all and every the Clauses, Powers, Directions, Provisions and Authorities, provided, given, or contained in and by an Act of Parliament made and passed in the Twelfth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for the more easy assessing, collecting, and levying of County Rates*, and in or by any other Act of Parliament, Law or Statute now in force, for the assessing, raising, levying, collecting, and recovering, and inforcing the Payment of County Rates or Stock, or any way relating thereto, shall (except so far as the same are varied or altered by this Act) be applied and extended to the said special Rate, to be assessed and raised by or under the Authority of this Act, and shall be used and be good, valid, and effectual for the carrying of this Act into Execution to all Intents and Purposes, and as fully and effectually as if the said Clauses, Powers, Directions,

rections, Provisions and Authorities were specially repeated, inserted, and enacted, in and by this present Act.

Justices may order Allowances to Constables.

IX. And be it further enacted, That it shall and may be lawful for the Justices of the Peace for the said County of *Durham*, assembled in their General Quarter Sessions, or at any Adjournment or Adjournments thereof, to order such Allowance and Compensation to be made to the Constables and other Persons within such Districts and Divisions, of or in the said County where no Rate is or shall be made for the Relief of the Poor, for their Expences and Trouble in collecting and levying the said County Rate, to be assessed and raised by or under the Authority of this Act, within such Districts and Divisions, as to the said Justices shall appear reasonable and proper, and to charge such Allowance and Compensation upon such Districts and Divisions, in addition to their Proportion of the said County Rate, and all such Allowances, Compensations, and Expences, shall and may be raised, levied, and collected, by such and the same Ways and Means as the same County Rate can and may be raised, levied, and collected, and shall be paid therewith.

Justices enabled to make Orders for building Prisons and Court Houses.

X. And be it further enacted by the Authority aforesaid, That at the first General Quarter Sessions of the Peace in and for the said County of *Durham*, to be holden next after the passing of this Act, or at any Adjournment or Adjournments thereof, and afterwards at any future General Quarter Sessions of the Peace, to be holden in and for the said County, or at any Adjournment or Adjournments thereof, it shall and may be lawful to and for the Justices of the Peace for the said County then and there assembled, or the major Part of them, and they are hereby authorized and impowered to make such Order or Orders, or to contract and agree with such Persons as they shall think proper, for erecting, building, and providing a new Common Gaol, and a new House of Correction for the said County (and which new Gaol shall contain proper Apartments for the Imprisonment and safe Custody of Debtors, and other Persons confined or imprisoned as well under or by Means of any Civil Process, as any Authority of the Law); and also for erecting, building, and providing one or more new Court House or Court Houses of Justice, on the present or any other Scite or Scites in the City of *Durham*, or within the Suburbs thereof, with suitable Buildings and Offices, and proper Easements and Accommodations thereto; and with convenient Ways, Roads, and Communications to and from and with the same, and for furnishing, maintaining, and providing the same pursuant to this Act, as by them the said Justices of the Peace so assembled as aforesaid, or the major Part of them, shall from Time to Time be deemed expedient or necessary; and also to make all such Order or Orders as they the said Justices so assembled or the major Part of them shall judge necessary, proper or expedient, for the paying, discharging, and defraying of all the Expences, Costs and Charges of or incident to or attending the erecting, building, purchasing, providing and furnishing, maintaining and repairing of the said intended new Gaol and House of Correction, and new Court House or Court Houses, and all the other incidental Expences in or for the effecting and carrying into Execution of the several Powers and Purposes of this Act, by and out of the special Rates or Stock to be assessed and raised in and for the said County of *Durham*, by or under the Powers or Authority of this Act, or by any of the other Ways and Means herein provided in that Behalf.

Juſtices to purchaſe Buildings, etc. for the Purpoſes of this Act.

XI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, at any General Quarter Seſſions of the Peace to be holden for the ſaid County, or at any Adjournment or Adjournments thereof, or the major Part of them, then and there aſſembled, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with the Owners and Occupiers of, and all other Perſons intereſted in any Meſſuages, Buildings, Lands, Tenements, and Hereditaments, Ways, Waters, Watercourſes, and Eaſements, with their Appurtenances, which the ſaid Juſtices, or the major Part of them ſo aſſembled as aforeſaid, ſhall judge to be proper and neceſſary or convenient for any of the Purpoſes of this Act, or for the more eaſy, open, and convenient Approach or Road to or Communication with the ſaid intended new Gaol and Houſe of Correction, and the ſaid intended new Court Houſes, for the Purchaſe of the ſame Meſſuages, Buildings, Lands, Tenements, Hereditaments, and Premiſes; and by and out of the ſaid County Stock or Rates to be aſſeſſed and raiſed by or under the Authority of this Act, or by any other of the Ways and Means herein provided, to pay or cauſe to be paid for the Purchaſe of ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments, Ways, Waters, Watercourſes, and Eaſements, as ſhall be ſo contracted for as aforeſaid, ſuch Sum or Sums of Money as ſhall be agreed on between ſuch Owners and Perſons intereſted as aforeſaid, and the ſaid Juſtices of the Peace, or the major Part of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe as aforeſaid; and upon Payment or Tender of the Money agreed to be paid for the Purchaſe of any ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments, Ways, Waters, Watercourſes, and Eaſements as aforeſaid, or upon Payment thereof into the Bank of *England*, for the Purpoſe of being diſpoſed of in Manner herein-after mentioned or referred to, it ſhall and may be lawful for the ſaid Juſtices of the Peace, or any Two or more of them, their Surveyors, Agents, Workmen, and Servants, at any Time thereafter to take Poſſeſſion of the ſame Meſſuages, Buildings, Lands, Tenements, or Hereditaments, Ways, Waters, Watercourſes, and Eaſements, and then and thenceforth the Whole and every Part thereof ſhall be, and the ſame are hereby declared to be veſted in the Juſtices of the Peace for the ſaid County for the Time being, for the Purpoſes of this Act.

Bodies Politic, &c. enabled to ſell.

XII. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all and every the Prebendary or Prebendaries of or in the Cathedral Church of *Durham*, or any of them, with reſpect to any Part of the Meſſuages and Lands annexed or belonging to his or their Prebend or reſpective Prebends, or held or enjoyed in Right thereof reſpectively, and to and for all Tenants for Life, or in Fee Tail general or ſpecial, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees of Lunaticks, and Idiots, and all other Truſtees whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Infants, Iſſue unborn, Femes Covert, Lunaticks, Idiots, or other Perſon or Perſons whomſoever, and to and for all Femes Covert who are or ſhall be ſeized, poſſeſſed of, or in anywiſe intereſted in their own Right, and to and for all and every other Perſon

and Perſons whomſoever, who are or ſhall be ſeized or poſſeſſed of, entitled to, or in anyways intereſted in any Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof which ſhall be thought neceſſary or convenient by the ſaid Juſtices, or the major Part of them aſſembled at their General Quarter Seſſions of the Peace, or at any Adjournment or Adjournments thereof, to be purchaſed for the Purpoſes of this Act, to treat, contract, and agree with the ſaid Juſtices of the Peace, or the major Part of them, ſo aſſembled as aforeſaid for the Sale thereof, or for any Part thereof, and to ſell and convey all or any Part thereof, and all and every Eſtate, Right, Title, and Intereſt whatſoever, of, in, and to the ſame to the Juſtices of the Peace for the ſaid County, for the Purpoſes of this Act; and all Contracts, Agreements, Bargains, Sales, and Conveyances which ſhall be ſo made by virtue and in purſuance of this Act, ſhall without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Aſſurances in the Law whatſoever, be good, valid, and effectual to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon or Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Truſt, Property, Poſſibility, Claim, and Demand whatſoever, of their ſaid ſeveral and reſpective *Ceſtuique* Truſts, and all Perſons whomſoever claiming or to claim by, from, or under them, and of all Perſons entitled in Remainder or Reverſion expectant on any ſuch particular Eſtate, and the ſame ſhall be deemed and conſidered to bar the Dower and Dowers of the Wife or Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates in Poſſeſſion, Reverſion, Remainder, or Expectancy, any Law, Statute, Uſage, or other Matter to the contrary in anywiſe notwithſtanding; and all and every ſuch Bodies Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Prebendary and Prebendaries, and all Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Huſbands, Truſtees, Executors, Adminiſtrators, Guardians, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do or cauſe to be done by virtue or in purſuance of this Act.

All Contracts to be valid.

Truſtees, etc. indemnified.

If Parties refuſe to treat the Value to be ſettled by a Jury.

XIII. And whereas by an Act paſſed in the Twenty-fourth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain and amend an Act made in the Eleventh and Twelfth Years of the Reign of King* William *the Third*, intituled, '*An Act to enable Juſtices of the Peace to build and repair Gaols in their reſpective Counties, and for other Purpoſes therein mentioned*;' His Majeſty's Juſtices of the Peace are enabled to purchaſe Lands, Tenements, and Hereditaments for the building or improving of Gaols, but are not enabled to purchaſe Lands, Tenements, or Hereditaments for building Court Houſes: And whereas it will be convenient to erect and build, as well the ſaid intended new Court Houſe or Court Houſes, as the ſaid intended new Gaol and new Houſe of Correction, with ſuitable and proper Buildings, Offices, Eaſements, and Accommodations thereto, in or near to the Eaſt End of the Street called *Old Elvet*, ſituate within and being Part of the Suburbs of the ſaid City of *Durham*, and for the Purpoſe of ſuch new Erections and Buildings, and for the laying out and making of neceſſary or convenient Ways, Roads, Approaches, and Communications to and from and with the ſame, it will be requiſite and neceſſary to appropriate and make uſe of certain Houſes, Buildings, Pieces or Parcels of Ground, Lands, and Hereditaments now the Property of

the Reverend *John Fawcett* Clerk, *Richard White*, *John Pattiſon*, *John Ward*, and Sir *John Lawſon* Baronet, reſpectively, and now in the ſeveral Occupations of *Lawrence Oliphant*, *Thomas Bowes*, *Sarah Ramſay*, *John Waters*, *Barbara Hall*, *Mary Harriſon*, *William Darnell*, the Reverend *Thomas Smith*, and of the ſaid *Richard White* and *John Ward*, or ſome or one of them, their, or ſome or one of their Undertenants; and alſo to appropriate and make uſe of certain Parcels of Ground, Lands, or Hereditaments annexed or belonging to, or held in Right or Reſpect of the Second Prebend in the Cathedral Church of *Durham* aforeſaid, now enjoyed or poſſeſſed or held by the Reverend *Thomas Zouch* Doctor in Divinity, and which laſt mentioned Parcels of Ground, Lands, and Hereditaments are now in the Occupation of *Elizabeth Johnſon*, as Tenant or Farmer thereof; and all which ſaid Houſes, Buildings, Pieces or Parcels of Ground, Lands, and Hereditaments ſo intended to be appropriated as aforeſaid, are ſituate within the Pariſh of *Saint Oſwald*, in the ſaid County of *Durham*; now therefore be it further enacted by the Authority aforeſaid, That in caſe the ſaid *Thomas Zouch* Prebendary of the ſaid Prebend, or his Succeſſors, and the reſpective Owner or Owners, Proprietor or Proprietors, Poſſeſſor or Poſſeſſors, Occupier or Occupiers for the Time being of the ſaid Houſes, Buildings, Grounds, Lands, and Hereditaments ſo intended to be appropriated and made uſe of as aforeſaid reſpectively, or any of them, (upon Notice in Writing to him, her, or them, given or left at the Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the Principal Officer or Officers of any Corporation), ſhall for the Space of Twenty-one Days next after ſuch Notice ſo given or left as aforeſaid, neglect or refuſe to treat, or ſhall refuſe to accept ſuch Price or Recompence as ſhall be offered by the ſaid Juſtices of the Peace or their Agent, or ſhall otherwiſe not agree for the Sale of ſuch Houſes, Buildings, Grounds, Lands, Tenements, Hereditaments, Eaſements, or Privileges, or of his, her, and their reſpective Eſtates and Intereſts therein, or if by Reaſon of Abſence or Incapacity they ſhall be prevented from treating for ſuch Sale, then and in every ſuch Caſe the Juſtices of the Peace for the ſaid County of *Durham* aſſembled in their General Quarter Seſſions, or at any Adjournment or Adjournments thereof, or any Two or more of them to be appointed for that Purpoſe, ſhall cauſe the Value of ſuch Houſes, Buildings, Grounds, Lands, Tenements, Hereditaments, Eaſements, and Privileges, Eſtates, and Intereſts to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County of *Durham*; and to that End ſhall ſummon and call before ſuch Jury, and examine upon Oath, (which Oath any One or more of the Juſtices of the Peace for the ſaid County is and are hereby empowered to adminiſter), any Perſon or Perſons whomſoever, and ſuch Juſtices of the Peace ſo aſſembled as aforeſaid, or any Two of them, ſhall by ordering a View, or otherwiſe uſe all Ways and Means for the Information of themſelves and of ſuch Jury in the Premiſes; and when ſuch Jury ſhall have enquired of and aſſeſſed and aſcertained the Value and Recompence of and for ſuch Houſes, Buildings, Grounds, Lands, Tenements, Hereditaments, Eaſements, and Privileges, Eſtates, and Intereſts reſpectively, the ſaid Juſtices of the Peace ſo aſſembled as aforeſaid, ſhall thereupon order that the Sum or Sums which ſhall ſo appear to be the Value or Recompence of and for ſuch Houſes, Buildings, Grounds, Lands, Tenements, Hereditaments, Eaſements, and Privileges, Eſtates, and Intereſts reſpectively, ſhall be paid in ſuch Manner as

as is herein-before directed, touching the Money to be paid for such Houſes, Buildings, Lands, Tenements, Hereditaments, Eaſements, or Privileges, for Sale whereof the Perſon or Perſons intereſted ſhall contract and agree in Manner aforeſaid, which Verdict or Inquiſition and Order ſhall be filed of Record by the Clerk of the Peace for the ſaid County of *Durham*, and ſhall be final and concluſive to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Reverſion, Remainder, or Expectancy, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Lunaticks, Idiots, and Perſons under Coverture, or any other Diſability whatſoever, Corporations, Prebendaries, Guardians, Committees, Huſbands, Truſtees, and Attornies, or any other Perſon or Perſons whomſoever.

How the Jury ſhall be ſummoned.

XIV. And, for the ſummoning and returning ſuch Juries, be it further enacted, That the ſaid Juſtices of the Peace for the ſaid County aſſembled at their General Quarter Seſſions, or at any Adjournment or Adjournments thereof, or any Two of them, may iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *Durham*, requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, qualified to ſerve on Juries, to appear before the ſaid Juſtices of the Peace, or any Two of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff is hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Juſtices of the Peace, or any Two of them, ſhall, and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff ſhall take ſuch other honeſt and indifferent Men of the Bye ſtanders, or that can ſpeedily be procured to attend that Service, to make up the Number Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Juſtices of the Peace, or any Two of them, ſhall have Power from Time to Time to impoſe a Fine or Fines on ſuch Sheriff or his Deputy or Deputies making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give, or ſhall not give a Verdict, or ſhall in any other Manner willfully neglect his or their Duty therein, and alſo on any Perſon, who being ſummoned and required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or to give Evidence, ſo that no ſuch Fine be more than Ten Pounds nor leſs than Twenty Shillings, on any One Perſon for One Offence.

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

XV. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict for more Money as the Value or Recompence of and for ſuch Houſes, Buildings, Grounds, Lands, Tenements, Hereditaments, Eaſements, or Privileges, Eſtates, and Intereſts reſpectively, ſo to be purchaſed, than what ſhall have been offered for the Purchaſe thereof by the ſaid Juſtices of the Peace or their Agent, to any Perſon capable of contracting for the ſame, the Coſts and Expences of ſummoning and maintaining the

the Jury and Witneſſes ſhall be borne and paid out of the ſame Fund as the Expences of the Buildings to be erected thereon; but if ſuch Jury ſhall give in and deliver a Verdict for no more or for leſs Money than the Money which ſhall have been ſo offered by the ſaid Juſtices of the Peace or their Agent, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom ſuch Controverſy or Diſpute touching the Value of ſuch Houſes, Buildings, Lands, Tenements, Hereditaments, Eaſements, or Privileges ſhall ariſe: Provided always, that in all Caſes where any Perſon ſhall by Reaſon of Abſence out of the Kingdom of *Great Britain*, have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid out of any Money to be raiſed or received under or by virtue of this Act.

Upon Payment of Purchaſe Money ſo ordered the Juſtices may take Poſſeſſion of Lands, etc.

XVI. And be it further enacted, That upon Payment of the Money ſo ordered to be paid for the Purchaſe of ſuch Houſes, Buildings, Lands, Tenements, Hereditaments, Eaſements, or Privileges, or for ſuch Recompence as aforeſaid reſpectively, or (upon Refuſal or Inability to receive the ſame) leaving the ſame in the Hands of ſuch Perſon as the Juſtices of the Peace for the ſaid County aſſembled in their General Quarter Seſſions, or at any Adjournment or Adjournments thereof, ſhall appoint for the Uſe of the Party or Parties entitled thereto, or in caſe of the ſaid Party or Parties not being to be found; then upon Notice to be publiſhed in ſome Publick Newſpaper or Newſpapers, circulating in or near the ſaid County of *Durham*, of the Payment or Inveſtment of ſuch Purchaſe Money or other Money, the ſaid Houſes, Buildings, Grounds, Lands, Tenements, Hereditaments, Eaſements, and Privileges ſo purchaſed, ſhall veſt in the Juſtices of the Peace for the Time being for the ſaid County of *Durham*, and their Succeſſors, for the Purpoſes of this Act; and it ſhall be lawful for the ſaid Juſtices of the Peace, or any Two of them, their Workmen, Servants, or Agents, to enter upon and take Poſſeſſion of and make Uſe of ſuch Houſes, Buildings, Grounds, Lands, Tenements, Hereditaments, Eaſements, and Privileges, and every Part thereof; and thereupon, all ſuch Perſons and Parties who were the Owners or Occupiers thereof, ſhall be diveſted of all Right and Title in and to the ſame and every Part thereof.

The Money belonging to any Bodies Politic, etc. how to be applied in caſe above 200l.

XVII. And be it further enacted, That if any Money ſhall be agreed, ordered, or awarded to be paid, for the Purchaſe of any Meſſuages, Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any Prebendary in Right of his Prebend, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, or for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, *Ceſtuique* Truſt, or to any other Perſon whoſe Meſſuages, Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Juſtices of the Peace for the County of *Durham* for the Time being, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the

ſaid Court, to be ſignifi d 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 Meſſuages, Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or in the Diſch rge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Meſſuages, Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, 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 Meſſuages, Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited to, for, or upon or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, or capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold, for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated 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 Meſſuages, Lands, Tenements, and Hereditaments to be purchaſed, by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

If leſs than the Sum of 200l. and above 20l.

XVIII. Provided always, and be it further enacted, That if any Money ſo agreed or ordered to be paid for any Meſſuages, 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 be equal 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 Meſſuages, Lands, Tenements, or Hereditaments, ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, 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, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Three or more of the Juſtices of the Peace for the ſaid County, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends ariſing therefrom, may be applied in Manner herein-before directed, ſo far as the

Caſe

Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

The Application thereof if leſs than 20l.

XIX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed to be paid as next before-mentioned ſhall be leſs than Twenty Pounds, then, and in every ſuch Caſe, 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 Hereditaments ſo purchaſed, taken, or uſed for any of the Purpoſes of this Act, in ſuch Manner as the ſaid Juſtices, or any Two or more of them ſhall think fit, or in caſe of Infancy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c.

XX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ordered or awarded for the Purchaſe of any Houſes, Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Juſtices or any Three or more of them, or of their Counſel learned in the Law; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Juſtices of the Peace for the ſaid County, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo ordered or awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Houſes, Lands, Tenements, or Hereditaments (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other 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.

Where Queſtions ſhall ariſe as to Title, how the Purchaſe Money ſhall be paid.

XXI. 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 Chancery in purſuance of this Act, for the Purchaſe of any Meſſuages, Buildings, Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities, to be purchaſed

chaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Meſſuages, Buildings, 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 intitled to ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; 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 of accordingly, unleſs it ſhall be made to appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully intitled to ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XXII. Provided always, and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation intitled to any Meſſuages, Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court of Chancery, and to be applied in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Expences of obtaining ſuch Order, to be paid by the Juſtices of the Peace for the ſaid County, out of the County Rates to be aſſeſſed and raiſed by and under the Authority of this Act, who ſhall from Time to Time pay ſuch Sums of Money accordingly, for ſuch Purpoſes as the ſaid Court ſhall direct.

Tenants at Will to deliver up Poſſeſſion on Six Calendar Months Notice.

XXIII. And be it further enacted, That every Tenant at Will, or Leſſee for a Year, or any Perſon or Perſons in Poſſeſſion of the ſaid Meſſuages, Lands, Tenements, and Hereditaments, or any Part thereof, which ſhall be purchaſed by virtue and for the Purpoſes of this Act, and who ſhall have no greater Intereſt in the Premiſes than as Tenant at Will, or Leſſee for a Year, or from Year to Year, ſhall deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Juſtices of the Peace for the ſaid County of *Durham*, or any Three or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion of the ſame, upon having Six Calendar Months Notice to quit ſuch Poſſeſſion from the Juſtices of the Peace for the ſaid County, or any Three or more of them, or from the Perſon or Perſons ſo authorized by them; and ſuch Perſon or Perſons in Poſſeſſion ſhall, at the End of the ſaid Six Calendar Months, whether ſuch Notice be given with Reference to the Time or Times of ſuch Tenant's Entrance or holding or not, or as ſoon after as he, ſhe, or they ſhall be required by ſuch Notice, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to the ſaid Juſtices, or any Three or more of them, or to the Perſon or Perſons authorized by them to take Poſſeſſion thereof; and that in caſe any ſuch Perſon or Perſons ſo in Poſſeſſion as aforeſaid, ſhall refuſe to give ſuch Poſſeſſion as aforeſaid, it ſhall be lawful for any Three or more of the ſaid Juſtices of the Peace for the ſaid County of *Durham*, to iſſue their Precept

or

or Precepts to the Sheriff of the ſaid County of *Durham*, to deliver Poſſeſſion of the ſaid Premiſes to ſuch Perſon or Perſons as ſhall, in ſuch Precept or Precepts be nominated to receive the ſame; and the ſaid Sheriff is hereby required to deliver ſuch Poſſeſſion accordingly of the ſame Premiſes, and to levy ſuch Coſts as ſhall accrue from the iſſuing and Execution of ſuch Precept or Precepts on the Perſon or Perſons ſo refuſing to give Poſſeſſion as aforeſaid, by Diſtreſs and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners thereof.

Mortgagees on being tendered Principal and Intereſt to convey.

XXIV. And be it further enacted, That all and every Perſon or Perſons who ſhall have any Mortgage or Mortgages upon the ſaid Meſſuages, Lands, Tenements, and Hereditaments which ſhall be purchaſed by virtue and for the Purpoſes of this Act, not being in Poſſeſſion thereof by virtue of ſuch Mortgage or Mortgages ſhall (on Notice in Writing from the ſaid Juſtices of the Peace, or any Three or more of them, or from ſuch Perſon or Perſons as they ſhall appoint, that they will pay off and diſcharge the Principal Money and Intereſt which ſhall be due on the ſaid Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving ſuch Notice; and on Payment of the Principal and Intereſt ſo due at the End of the ſaid Six Calendar Months) convey, aſſign, and transfer his, her, or their Intereſt in the Premiſes to the Juſtices of the Peace for the ſaid County; and in caſe ſuch Mortgagee or Mortgagees ſhall refuſe to convey and aſſign as aforeſaid on ſuch Payment or Tender thereof, that then all Intereſt on the Principal Money due on every ſuch Mortgage, ſhall from thenceforth ceaſe and determine.

On Refuſal, Intereſt to ceaſe.

Form of Conveyance.

XXV. And be it further enacted, That all Sales, Conveyances, and Aſſurances of any Meſſuages, Lands, Tenements, or Hereditaments to be made to the ſaid Juſtices of the Peace for the County of *Durham*, ſhall be made in the Form or to the Effect following; *videlicet*,

'I *A. B.* of , in Conſideration of the Sum of paid by the Juſtices of the Peace for the County 'of *Durham*, acting by virtue of an Act of Parliament, paſſed in the 'Forty-ninth Year of the Reign of King *George* the Third, intituled [*here 'inſert the Title of this Act*] do hereby grant and releaſe unto the ſaid Juſ-'tices of the Peace, and their Succeſſors, Juſtices for the ſaid County, all '[*here deſcribe the Meſſuages, Lands, Tenements, and Premiſes to be con-'veyed*] and all my Eſtate, Right, Title, and Intereſt of, in, and to the 'ſame and every Part thereof, to hold to the ſaid Juſtices, and their Suc-'ceſſors, Juſtices of the ſaid County for ever. In Witneſs whereof I 'have hereunto ſet my Hand and Seal this Day of 'in the Year of our Lord

And every ſuch Sale, Conveyance, and Aſſurance ſo made ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever, as, to, and againſt the Perſon or Perſons making the ſame, and his, her, or their *Ceſtuique* Truſts, and all other Perſons claiming or to claim by, from, under, or in Truſt for him, her, or them reſpectively, or in Remainder, Reverſion, or Expectancy as aforeſaid; and the ſame ſhall be deemed and conſidered to bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and all Eſtates in Poſſeſſion, Reverſion, Remainder, or Expectancy; and the Iſſue and Iſſues of ſuch

Perſon or Perſons, and every Perſon claiming or to claim under them reſpectively, as effectually as Fines and common Recoveries would do, if levied or ſuffered by the Parties intereſted, and ſuch Parties had been adult, and without Impediment or Diſability; any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding.

Juſtices may ſell old Court Houſes, Gaol, &c.

XXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, at any General Quarter Seſſions of the Peace for the ſaid County of *Durham*, or at any Adjournment or Adjournments thereof, or the major Part of them then and there aſſembled, (ſuch major Part not being leſs than Five), and they are hereby authorized and impowered to ſell and diſpoſe of, and by Indenture or Indentures under the Hands and Seals of any Five or more of them ſo aſſembled, to grant and convey, by way of abſolute Sale in Fee Simple, for the beſt Price or Prices, or Conſideration in Money that can or may be had or gotten for the ſame, all or any Part or Parts of the before-mentioned preſent old Gaol and old Houſe of Correction, and old Court Houſes, and the Scites thereof reſpectively, or of any of them; and ſuch Part or Parts of the Meſſuages, Lands, Tenements, and Hereditaments which ſhall or may have been ſo purchaſed as aforeſaid, as ſhall, in the Judgement of the ſaid Juſtices ſo aſſembled as aforeſaid, or the major Part of them, not be wanted for the Purpoſes of this Act; and alſo in like Manner to ſell and diſpoſe of, and to grant and convey, in Fee Simple, for the beſt Price or Prices, or Conſideration in Money that can or may be had or gotten for the ſame, all or any Part of ſuch other Meſſuages, Lands, or Tenements, or Real or Perſonal Eſtate, as are now veſted in the Juſtices of the Peace for the ſaid County, for the Uſe and Benefit of the ſaid County, or as belong to and are the Property, or as are deemed and conſidered to be the Property of the ſaid County; and upon Payment of the Money which ſhall ariſe or be produced by or from the Sale or Sales of the ſaid preſent old Gaol, Houſe of Correction, and Court Houſes, or the Scites thereof reſpectively, and by or from the Sale or Sales of the ſaid ſeveral Meſſuages, Lands, Tenements, and Hereditaments, and Real or Perſonal Eſtate and Premiſes, which the ſaid Juſtices are hereby authorized and impowered to ſell as herein-before mentioned, or of ſuch Part or Parts thereof reſpectively, as ſhall be ſold under the Powers and Authorities of this Act, it ſhall and may be lawful to and for the Treaſurer for the Time being of the County of *Durham* to ſign and give a Receipt or Receipts under his Hand for the Money for which the ſaid ſeveral Premiſes, or any Part thereof reſpectively, ſhall be reſpectively ſold; which Receipts ſhall be ſufficient Diſcharges to the Purchaſer or Purchaſers of all or any Part of the ſaid preſent old Gaol, Houſe of Correction, Court Houſes, and Scites, and of the ſaid ſeveral Meſſuages, Lands, Tenements, Hereditaments, and Real and Perſonal Eſtates and Premiſes, for his or their Purchaſe Money or Purchaſe Monies reſpectively, or for ſo much and ſuch Part or Parts thereof reſpectively, as ſhall in ſuch Receipt or Receipts be acknowledged or expreſſed to be received; and ſuch Purchaſer or Purchaſers ſhall not afterwards be anſwerable or accountable for any Loſs, Miſapplication, or Non-application of ſuch Purchaſe Money or Purchaſe Monies, or any Part thereof reſpectively.

And alſo to ſell any other Part of the County Property.

Firſt Offer of old Court Houſes to be

XXVII. Provided always, and be it further enacted, That the ſaid Juſtices of the Peace, before they ſhall ſell and diſpoſe of the ſaid old Court Houſes,

Houſes, ſhall firſt offer to ſell the ſame to the Lord Biſhop of *Durham*; and in caſe the ſaid Lord Biſhop or his Succeſſors ſhall not thereupon agree, or ſhall refuſe to purchaſe the ſame, the ſaid Juſtices of the Peace may otherwiſe ſell and diſpoſe of the ſame old Court Houſes, under and by virtue of the Power and Authority given to them by this Act for that Purpoſe.

made to the Biſhop of Durham.

XXVIII. And whereas, by reaſon of the Purchaſes which the ſaid Juſtices of the Peace are hereby empowered and required to make by virtue of this Act, they may happen to be ſeized of ſome Buildings, Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it further enacted, That it ſhall be lawful for the ſaid Juſtices of the Peace ſo aſſembled as aforeſaid, or the major Part of them, to ſell and diſpoſe of ſuch Buildings and Piece or Pieces of Ground, either together or in Parcels, as they ſhall find moſt advantageous and convenient to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Juſtices empowered to ſell Buildings and Ground not wanted by them.

XXIX. Provided always, and be it further enacted, That the ſaid Juſtices of the Peace before they ſhall ſell and diſpoſe of the ſaid Buildings or Piece or Pieces of Ground, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Buildings, Piece or Pieces of Ground; and in caſe ſuch Perſon or Perſons ſhall not then and thereupon agree, or ſhall refuſe to re-purchaſe the ſame, an Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County aforeſaid, by ſome Perſon or Perſons no Way intereſted in the ſaid Buildings, Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Juſtices; and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made, and was not agreed to, or was refuſed by the Perſon or Perſons to whom it was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of repurchaſing the ſame, and he, ſhe, or they, and the ſaid Juſtices of the Peace ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe, the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed, reſpecting the diſputed Value of Premiſes to be purchaſed by the ſaid Juſtices of the Peace as aforeſaid in purſuance of this Act, and the Expences of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the Juſtices as aforeſaid, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Juſtices of the ſaid old Court Houſes, Buildings, and Piece or Pieces of Ground as aforeſaid, ſhall be paid to the Treaſurer for the Time being of the ſaid County of *Durham*, and ſhall be applied for the General Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Loſs or Miſapplication or Non-application of ſuch Money.

Perſons from whom the Buildings, &c. were bought to have the Preference.

XXX. And be it further enacted, That the Monies which ſhall ariſe and be produced by or from the Sale or Sales of the ſaid old Gaol, Houſe of Correction, and Court Houſes, and Scites, and other the ſaid Hereditaments, and Real and Perſonal Eſtates and Premiſes hereby made ſaleable as

Application of the Monies to ariſe by ſuch Sales.

as aforeſaid, or of ſuch Part or Parts thereof reſpectively, as ſhall be ſold under the Powers and Authorities of this Act, ſhall be applied and diſpoſed of, by or by the Order of the ſaid Juſtices of the Peace ſo aſſembled as aforeſaid, in or towards the paying and diſcharging of the Coſts, Charges, and Expences of carrying the ſeveral Purpoſes of this Act into Execution, or in Aid of the County Rates to be aſſeſſed and raiſed by or under the Authority of this Act.

Power to pull down the old Gaol, &c. and to ſell or uſe the Materials.

XXXI. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, at any General Quarter Seſſions of the Peace for the ſaid County, or at any Adjournment or Adjournments thereof, or the major Part of them then and there aſſembled, to pull or take down, or order and cauſe to be pulled or taken down, the ſaid preſent old Gaol, and Houſe of Correction, and Court Houſes, or any of them, or any Part thereof reſpectively; and either to make Uſe of, and work up and convert the Stones, Bricks, Timber, Wood, Iron, and other the Materials of or belonging to the ſame reſpectively, or any Part thereof in or about or for or towards the erecting, building, and providing of any of the new Erections or Buildings and Works directed or allowed to be made and executed by or under the Powers and Authorities of this Act, or otherwiſe to ſell and diſpoſe of the ſame Stones, Bricks, Timber, Wood, Iron, and other Materials, or any Part thereof, for the moſt Money that can or may be gotten for the ſame; and in caſe of any ſuch Sale or Sales thereof, then and in every ſuch Caſe, the Monies which ſhall ariſe or be produced thereby or therefrom, ſhall be applied by the ſaid Juſtices in or towards the paying and diſcharging of the Coſts, Charges, and Expences of carrying the ſeveral Purpoſes of this Act into Execution, or in Aid of the County Rates to be aſſeſſed and raiſed by or under the Authority of this Act; and alſo, that it ſhall and may be lawful to and for the ſaid Juſtices ſo aſſembled as aforeſaid, or the major Part of them, and they are hereby authorized and impowered to make all ſuch Orders, and give ſuch Directions as they ſhall judge neceſſary or expedient for the effectuating and completing of the ſeveral Ends and Purpoſes mentioned or expreſſed in this preſent Clauſe or Proviſo; any Thing in this Act before contained to the contrary thereof in anywiſe notwithſtanding.

Veſting the Gaol, Court Houſes, &c. in Juſtices.

XXXII. And be it further enacted, That all and every the ſaid new Gaol and Priſon, and the ſaid new Houſe of Correction, and the ſaid new Court Houſes, and the other Buildings to be provided and erected or built under or by virtue of the Powers and Authorities of this Act, together with all the Edifices, Buildings, Offices, Yards, Gardens, Ways, Waters, Watercourſes, Eaſements, and Appurtenances thereunto reſpectively belonging or in anywiſe appertaining, and alſo, all the Meſſuages, Buildings, Lands, Tenements, and Hereditaments ſo to be purchaſed under the Powers and for the Purpoſes of this Act as aforeſaid, and every Matter and Thing appertaining, or in anywiſe relating thereunto, or to any of them, ſhall at all Times be and remain veſted in, and the ſame are hereby declared to be veſted in the Juſtices of the Peace for the ſaid County of *Durham* for the Time being, for ever, nevertheleſs to and for the ſeveral Ends, Intents, and Purpoſes herein-after expreſſed, declared, or referred to, of or concerning the ſame reſpectively.

XXXIII. And be it therefore hereby further enacted and declared, That the said new Court Houses so to be provided and erected under the Powers and Authorities of this Act, and vested in the said Justices of the Peace for the said County of *Durham* as aforesaid; together with the Buildings, Offices, Yards, Gardens, Ways, Easements, and Appurtenances thereunto belonging or appertaining, shall be and the same are hereby declared to be and remain for ever so vested in the Justices of the Peace for the Time being, of the same County, in Trust, nevertheless, and to the End, Intent, and Purpose, that the said Justices of the Peace for the Time being, shall and do and they are hereby expressly directed and required from Time to Time and at all Times for ever, from and after the said New Court Houses shall have been erected and completed, to peaceably and quietly allow, permit, and suffer, as well the Session or Court of Pleas for the said County Palatine, as the Court of General Gaol Delivery, and the Assizes, and the Court of the General Quarter Sessions of the Peace, and the County Court, in and for the said County of *Durham*, and all other Courts and Meetings for the publick Administration of Justice, or for the Election of Knights of the Shire to serve in Parliament for the said County, or for transacting the Public Affairs and Business of the said County of *Durham*, to be holden and kept in the said several new Court Houses, and the Buildings and Appurtenances thereunto belonging; and also allow, permit, and suffer the same Court Houses and Buildings to be had, used, and enjoyed for all such other publick Uses and Purposes as the Justices of the Peace for the said County, or the major Part of them, assembled at their General Quarter Sessions of the Peace, shall, from Time to Time, direct, order, or appoint, together with full and free Liberty to and for all Persons whom it shall or may concern, to enter into, and to act and officiate in and to resort to, and to attend upon and to depart from the said several Courts and Meetings, or any of them, as they shall have Occasion or think proper.

For holding the Courts in the New Court Houses.

XXXIV. And be it also enacted and declared, That when and so soon as the said new Court Houses to be provided and erected under the Powers and Authorities of this Act, shall have been erected and completed as aforesaid, then and from thenceforth, as well the said Session or Court of Pleas, and the said Court of General Gaol Delivery in and for the said County Palatine, as the Assizes, and the Court of General Quarter Sessions of the Peace and the County Court, in and for the said County of *Durham*, shall in future sit and be holden in the said new Court Houses, or the one of them; and that all Writs issuing out of, or returnable into, the said Court of Pleas, and the said Court of Gaol Delivery, and the said County Court respectively; and also all and every the Process, Rules, Orders, Attachments, Judgements, Executions, Records, and Proceedings of the said Session or Court of Pleas, and of the said Court of General Gaol Delivery, and of the said County Court respectively, as and when the same several Courts shall respectively sit or be holden in such new Court Houses, or the One of them as aforesaid, shall be as binding, valid, legal, and effectual, and shall be deemed and considered, and are hereby declared to be as binding, valid, legal, and effectual to all Intents and Purposes whatsoever, as if the said Session or Court of Pleas, and the said Court of General Gaol Delivery, and the said County Court respectively had not been removed, but had respectively continued to sit and be holden in the said old Court Houses, or the former Place or Places where the same several Courts

respectively have heretofore by ancient prescriptive Right and Usage sitten and been holden; any Law, Statute, or Practice to the contrary thereof in anywise notwithstanding.

The new Gaol and House of Correction to be the common Gaol and House of Correction for the County.

XXXV. And be it further enacted and declared, That when and so soon as the said new Gaol or Prison, and the said new House of Correction, to be provided and erected under the Powers and Authorities of this Act, shall respectively have been erected and completed as aforesaid, then and thenceforth the said New Gaol or Prison shall be, and shall to all Intents and Purposes be deemed and taken to be the common County Gaol or Prison of and for the said County of *Durham*, and shall be appropriated and made use of as and for such common County Gaol or Prison, and for the Imprisonment and Confinement of Felons and Debtors, and all other Persons from Time to Time committed thereto or imprisoned therein, by or in due Course or Process of Law; and then also 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 County of *Durham*, and shall be appropriated and made use of as and for such House of Correction, and for the Imprisonment and Confinement of Felons, and all other Persons from Time to Time committed thereto, or imprisoned or confined therein, by or in due Course or Process of Law; and the High Sheriff for the Time being of the said County of *Durham*, and the Gaoler or Keeper, or respective Gaolers or Keepers for the Time being of the said new Gaol or Prison, and of the said new House of Correction, shall respectively be liable and answerable to all Intents and Purposes whatsoever, for the safe Custody of all and every such Person and Persons as shall from Time to Time be committed to their respective Custodies, or be imprisoned or confined in the said new Gaol or Prison, and new House of Correction respectively, in such and the like Manner as the said High Sheriff, and the Gaoler or Keeper, or respective Gaolers or Keepers of the said present Gaol, and the said present House of Correction, of and for the said County respectively, now is or are respectively liable or answerable in every respect and in every Case, and to all Intents and Purposes whatsoever; and the Justices of the Peace for the Time being, in and for the said County of *Durham*, shall have, possess, and exercise such and the like Power, Authority, and Jurisdiction over the said new Gaol or Prison, and the said new House of Correction respectively, and over the respective Gaolers or Keepers thereof, as they the said Justices or any of them respectively now have and possess, or might lawfully have, possess, and exercise over the said present Gaol, and the said present House of Correction respectively, and over the respective Gaolers or Keepers thereof, under or by virtue of any Law now in force.

Proviso that the Right of the Bishop of Durham to nominate the Gaoler, shall not be prejudiced, &c.

XXXVI. Provided always nevertheless, and it is hereby enacted and declared, That this Act, or any Clause, Matter, or Thing herein contained, shall not extend nor be construed, deemed, or taken to extend to prejudice, lessen, vary, or defeat the Right and Title of the Lord Bishop of *Durham* for the Time being, to nominate and appoint, and to remove or dismiss, the Gaoler or Keeper for the Time being of the Common Gaol, of and for the said County of *Durham*, or any other Rights or Interests whatsoever of the said Lord Bishop; but that such Right of Nomination, and Removal or Dismissal and other Rights and Interests shall remain and continue the same, and shall be enjoyed and exercised by the Bishop of *Durham*, and his Successors,

ceſſors, in ſuch and the like Manner as the ſame hath or have been heretofore enjoyed and exerciſed by the preſent Lord Biſhop of *Durham*, and his Predeceſſors Biſhops of *Durham*, and as if this Act had not been made and paſſed.

Power to remove Priſoners to the new Gaol, &c. when completed.

XXXVII. And be it further enacted, That when the ſaid new Gaol or Priſon, and the ſaid new Houſe of Correction, ſhall be erected and completely finiſhed and made fit for the Reception and Safe-keeping of Priſoners, the Juſtices of the Peace for the ſaid County of *Durham*, or any Five or more of them, ſhall cauſe Notice thereof in Writing under their Hands to be given to the High Sheriff for the Time being, of the ſaid County of *Durham*, and alſo to the Gaoler or Keeper, or reſpective Gaolers or Keepers of the ſaid preſent old Gaol and preſent Houſe of Correction reſpectively, or to the Gaoler or Keeper of the temporary Place or Places of Confinement, to be appointed as herein-after mentioned as the Caſe may require; and the ſaid High Sheriff, and Gaoler or Keeper, or Gaolers or Keepers, ſhall reſpectively with all convenient Speed after ſuch Notice, remove, or cauſe to be removed to the ſaid new Gaol or Priſon, and to the ſaid new Houſe of Correction reſpectively, all ſuch Felons, Debtors, and other Priſoners, as ſhall then be impriſoned or confined in the ſaid preſent old Gaol, and in the ſaid preſent Houſe of Correction reſpectively, or in ſuch other temporary Place or Places of Confinement and ſafe Cuſtody as ſhall be appointed as herein-after mentioned, which ſaid reſpective Removals ſhall not, nor ſhall any of them be deemed or taken to be an Eſcape or Eſcapes: Provided, that nothing herein contained ſhall extend or be conſtrued to extend to diſcharge the ſaid High Sheriff, and Gaoler or Keeper, or Gaolers or Keepers reſpectively, or any of them, from being anſwerable for the actual Eſcape of any Priſoner or Priſoners in their reſpective Cuſtodies.

Temporary Places of Confinement to be provided, &c.

XXXVIII. Provided always, and be it further enacted, That in caſe the Juſtices of the Peace for the ſaid County aſſembled in their General Quarter Seſſions, or at any Adjournment or Adjournments thereof, or the major Part of them, ſhall judge it proper or expedient, to make uſe of, and convert the Materials of the ſaid old Gaol, and of the ſaid old Houſe of Correction, or of either of them, in or for the building of the ſaid new Gaol and new Houſe of Correction, or either of them, then and in that Caſe the ſaid Juſtices of the Peace, or any Five or more of them, ſhall cauſe Notice thereof, in Writing under their Hands, to be given to the High Sheriff for the Time being of the ſaid County, and to the Gaoler or Keeper, or Gaolers or Keepers of the ſaid old Gaol and old Houſe of Correction reſpectively; and the ſaid High Sheriff and Gaoler or Keeper, or Gaolers or Keepers, ſhall reſpectively, with all convenient Speed, after ſuch Notice, remove, or cauſe to be removed, ſuch Felons, Debtors, and other Priſoners reſpectively, to ſuch other temporary Place or Places of Confinement and ſafe Cuſtody as the ſaid Juſtices of the Peace ſo aſſembled as aforeſaid, or the major Part of them, ſhall, with the Conſent of the ſaid High Sheriff, approve of and appoint; and ſhall confine and keep ſuch Felons, Debtors, and other Priſoners, in ſuch Place or Places of Confinement, during the Time ſuch new Gaol and Houſe of Correction reſpectively ſhall be building, and until the ſame ſhall reſpectively be built and completed, and fit for the Reception of Priſoners; and the Expences of or attending ſuch Removal or Removals to and from ſuch Place or

Places of Confinement, and which may be incurred by the said High Sheriff and Gaoler or Keeper, or Gaolers or Keepers of the said old Goal and old House of Correction respectively, on account of the safe Custody of such Prisoners respectively, in such new and temporary Place or Places of Confinement, shall be allowed and paid, by and out of the County Rate to be raised by, or under the Authority of this Act; and such Removal or Removals as aforesaid, shall not be deemed or taken to be an Escape or Escapes: Provided, that nothing herein contained shall extend, or be construed to extend to discharge the said High Sheriff, and Gaoler or Keeper, or Gaolers or Keepers respectively, or any of them, from being answerable for the actual Escape of any Prisoner or Prisoners in their respective Custodies.

Real and personal Property belonging to the old Gaol to continue applicable to the same Purposes, &c.

XXXIX. Provided also, and be it further enacted, That all and every the Messuages, Lands, and Tenements, and all and every the Legacies, and other Sum and Sums of Money, which respectively, in and by any Will, Deed, Settlement, or other Conveyance, or by any other Means, have heretofore been given, devised, bequeathed, conveyed, and settled, or appropriated to, or in Favour, or for the Use and Benefit of, or in Trust for the Prisoners, or Persons for the Time being imprisoned or confined in the present old Gaol of *Durham* for Debt, or otherwise, or of any of them, shall be, and are hereby declared to be and remain settled, assured, and appropriated to, for, and upon such and the same several Uses, Trusts, Intents, and Purposes, as the same Messuages, Lands, and Tenements, and the same Legacies, and other Sum and Sums of Money do respectively now stand settled, assured, and appropriated to, for, and upon; and the Rents and Yearly Profits of the same Messuages, Lands and Tenements, and the Yearly Interest and Dividends of or arising from the same Legacies, and other Sum and Sums of Money, shall continue to be paid, applied, and disposed of, to or in Favour of such and the same Persons, and in such and the same Manner, and for such and the same Purposes as the same Rents and Yearly Profits, and the same Yearly Interest and Dividends are or would be respectively payable or applicable to, in Case the said Prisoners had not been removed from the said present old Gaol to the said new Gaol when erected and completed, but had remained imprisoned and confined in the said old Gaol.

Gaol to be insured and supported at the Expence of County.

XL. And be it further enacted, That the said new Gaol or Prison, and House of Correction, and Court Houses, to be erected and built under the Powers and Authorities of this Act, with the Buildings thereunto belonging, shall, when and so soon as the same shall respectively have been completed, be supplied and provided with all proper Accommodations and Furniture, by the Order of the said Justices of the Peace for the said County, or any Five or more of them; and that the Costs and Expences thereof shall be paid and discharged by and out of the County Rates to be assessed and raised by or under the Authority of this Act; and that thenceforth the said new Gaol or Prison, House of Correction, and Court Houses, and the several Buildings thereunto belonging, and the Furniture thereof respectively, shall in future be repaired, supported, maintained, and provided and kept in good Condition and Repair, by and out of the General County Rates or Stock for the Time being of and for the said County; and that the said new Gaol, House of Correction, and Court Houses and Buildings, and the Furniture thereof respectively, shall from Time to Time be insured in the Name of the Treasurer for the Time being of the said County,

County, from Loſs or Damage by Fire, in ſuch Sum or Sums of Money, and in ſuch public Aſſurance Office or Offices as the Juſtices of the Peace for the ſaid County aſſembled in their General Quarter Seſſions, or any Adjournment or Adjournments 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 diſcharged by and out of the General County Rate or Stock for the Time being of and for the ſaid County; and the ſaid Juſtices ſo aſſembled as aforeſaid, or the major Part of them, ſhall and may and they are hereby authorized and empowered to make ſuch Orders as ſhall and may be neceſſary or proper for the effecting of the ſeveral Purpoſes aforeſaid.

Puniſhing Perſons damaging Court Houſes, Gaol, &c.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly break, pull down, or in any Manner damage or deſtroy the ſaid Gaol, Houſe of Correction, and Court Houſes or Buildings, ſo to be reſpectively erected and built, repaired, maintained, ſupported, provided, or purchaſed as aforeſaid, or any of them, or any Part or Parts thereof reſpectively, or any of the Appurtenances thereunto belonging, ſuch Perſon or Perſons being lawfully convicted thereof ſhall be adjudged guilty of Felony; and the Court before whom ſuch Perſon or Perſons ſhall be tried, ſhall have full Power and Authority either to order ſuch Perſon or Perſons to be tranſported for the Term of Seven Years, to ſuch Place, and in ſuch Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm, or to ſuffer ſuch corporal Puniſhment, or be puniſhed by Fine, Impriſonment, or otherwiſe, as to the Court before whom ſuch Perſon or Perſons is or are ſo tried ſhall ſeem proper to order or inflict; and the Juſtices of the Peace for the ſaid County of *Durham* aſſembled in their General Quarter Seſſions, or at any Adjournment or Adjournments thereof, or the major Part of them, are hereby authorized, from Time to Time, to order ſuch Offender or Offenders as aforeſaid to be proſecuted by Indictment or Indictments at the Aſſizes for the County of *Durham*, and to direct the Expences of ſuch Proſecutions to be paid by the Treaſurer or Treaſurers of the ſaid County for the Time being, out of the Public Stock and General County Rates of and for the ſaid County; and in every ſuch Indictment or Indictments, ſuch Gaol, Houſe of Correction, and Court Houſe or Court Houſes, or other Building or Buildings, ſhall reſpectively be alledged and deſcribed, and deemed and taken to be the Gaol, Houſe of Correction, and Court Houſe or Court Houſes, or Building or Buildings reſpectively (as the Caſe may happen), of "The Juſtices of the "Peace for the County of *Durham*," without particularly ſtating or ſpecifying the Name or Names of all or any of the ſaid Juſtices.

Mines not to be wrought under the Gaol, &c.

XLII. Provided always, and be it further enacted and declared, That Coals and other Mines and Minerals ſhall not be dug, won, wrought, or taken from, or forth, or out of, or under the Meſſuages, Lands, and Grounds, which ſhall or may be purchaſed under the Powers and for the Purpoſes of this Act, nor from or under or out of any Part thereof.

Power to borrow upon Mortgage.

XLIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Juſtices of the Peace for the ſaid County of *Durham* ſo aſſembled in their General Quarter Seſſions of the Peace, or at any Adjournment or Adjournments thereof as aforeſaid, or the major Part of them; and they are hereby authorized and empowered, from

Time to Time, to borrow and take up at legal or lower Intereſt, upon Mortgage of the County Rates to be aſſeſſed and raiſed under or by virtue of the Authority of this Act, any Sum or Sums of Money which to them or the major Part of them (ſuch major Part not being leſs than Five), ſhall appear neceſſary or expedient for the Purpoſes of this Act, or for carrying the ſame into Execution; and in and by Inſtruments in Writing, in the Form expreſſed or contained in the Schedule hereunto annexed, or to that or the like Subſtance or Effect, to charge upon, and ſecure to be paid out of the Rates to be aſſeſſed and raiſed by or under the Authority of this Act within the ſaid County of *Durham*, under the Denomination or Deſcription of County Rates or County Stock, ſuch Sum or Sums of Money as ſhall be ſo borrowed upon the Credit of the ſame County Rates upon Mortgage thereof, but ſo as that no Sum leſs than the Sum of One hundred Pounds nor exceeding the Sum of Five hundred Pounds ſhall be charged or ſecured in and by any one of ſuch Inſtruments; and the ſaid Juſtices of the Peace ſo aſſembled as aforeſaid, are hereby authorized to treat and agree with any Perſon or Perſons for the Loan of any ſuch Sum or Sums of Money, and by their Order to confirm and eſtabliſh every ſuch Agreement as aforeſaid, and every ſuch Agreement ſo eſtabliſhed by ſuch Order, and every ſuch Inſtrument of Mortgage and Charge as aforeſaid ſhall be ſigned by the Chairman and Three or more of the ſaid Juſtices of the Peace preſent at the Time of making ſuch Order, and when ſo ſigned, ſhall be, and the ſame is and are hereby declared to be effectual for ſecuring to the Perſon or Perſons ſo advancing any Sum or Sums of Money, his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, all and every ſuch Sum or Sums of Money, with Intereſt for the ſame, on ſuch Terms as in and by ſuch Agreement or Agreements, Inſtrument or Inſtruments reſpectively ſhall be for that Purpoſe ſtipulated, and Copies or Extracts of all ſuch Agreements and Inſtruments, or Securities, ſhall be kept with the Clerk of the Peace for the ſaid County of *Durham*, and all and every Perſon and Perſons to whom any ſuch Security or Securities ſhall be made, or who ſhall be entitled to the Money thereby ſecured, is and are hereby empowered by Writing under his, her, or their Hand or Hands, to transfer and aſſign the ſame, and his, her, or their reſpective Right to the Principal Money and Intereſt thereby ſecured unto any Perſon or Perſons, and every ſuch Aſſignee may, in like Manner, transfer the ſame again, and ſo *toties quoties*; and the Perſon or Perſons to whom ſuch Security or Securities, or any ſuch Aſſignment thereof ſhall be made, and his or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be Creditors upon the ſaid County Rates to be raiſed by or under the Authority of this Act in an equal Degree, one with another, and ſhall not have any Preference with reſpect to the Priority of any Monies ſo advanced,

Securities to be transferrable by Indorſement.

The Intereſt to be charged on the Rates, &c.

XLIV. And be it further enacted, That the ſaid Juſtices of the Peace ſo aſſembled at their General Quarter Seſſions, or at any Adjournment or Adjournments thereof as aforeſaid, or the major Part of them, are hereby authorized and required not only to charge the ſaid Rates to be raiſed upon and for the ſaid County of *Durham*, by or under the Authority of this Act, with the Intereſt of the Money ſo borrowed on ſuch Securities, but alſo with the Payment of a further Sum equal at leaſt to the Amount of the Sum ſo charged for the Intereſt of ſuch Securities, which ſaid ſeveral Sums ſhall be aſſeſſed on the ſaid County of *Durham*, and ſhall be raiſed and paid out of the ſaid County Rates, to be raiſed and levied by or under the Authority

rity of this Act, and shall be applied and disposed of under the Order and Direction of the said Justices so assembled as aforesaid, in the Payment and Discharge of the Interest, and of such and so much of the Principal Sums for the Time being remaining due on the said Securities, as such Money will extend to pay and discharge in each Year, until the Whole of the Principal Money for which Securities shall be made, and the Interest thereof shall be fully paid and discharged; and the said Justices so assembled as aforesaid, are required to fix one or more Day or Days in each Year on which such Payment shall be made, and they shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments, under the Authority of this Act, in a Book or Books separate and apart from all other Accounts, and the same to adjust and settle in such Manner, that it may easily be seen what Interest is growing due, and what Principal Money has been discharged, and what remains due, and the said Book or Books, so adjusted and settled, to deliver into Court at every General or Quarter Sessions to be held for the said County, and the said Justices then and there assembled, are required, at every such Sessions, carefully to inspect all such Accounts, and make Orders for carrying the several Purposes of this Act into Execution, in such Manner as to them, or the major Part of them shall seem meet; and if at any Time it shall appear to the said Justices so assembled, that the Person so appointed has neglected the said Order or Orders, and has not duly, and without Delay, applied the Money in his Hands to the Purposes hereby directed, such Person shall forfeit Double the Amount of the Money which shall not have been applied to the Purposes of this Act, and the said Justices of the Peace so assembled in Session, or at any Adjournment or Adjournments thereof as aforesaid, shall direct in what Order and Course such Securities shall be discharged, but first discharging all such Securities which shall bear the highest Rate of Interest.

Redemption of Principal not to exceed Fourteen Years.

XLV. Provided always, and be it further enacted, That the said Justices of the Peace assembled in their General Quarter Sessions, or at any Adjournment or Adjournments thereof as aforesaid, shall, and they are hereby required to make Provision by Means of the said County Rates (which they are hereby authorized to make), and by their Order and Directions (which they are hereby authorized to give), in such Manner that the whole Money to be borrowed, under the Authority of this Act, shall be fully paid and discharged within a Time to be limited, not exceeding Fourteen Years from the Time of borrowing the same.

Justices to purchase Materials for setting the Prisoners to work.

XLVI. And be it further enacted, That it shall be lawful for the Justices of the Peace for the said County of *Durham*, or any Three or more of them, to purchase or provide, either by Contract or otherwise, such Utensils, Chattels, and Materials whatsoever as shall be thought proper and necessary, for effectually employing and setting to Work all or any of the Prisoners in the said new Gaol and new House of Correction respectively, and to cause the same to be paid for out of the Monies to arise from the General County Rates or Stock for the Time being, of and for the said County.

Materials vested in the the Clerk of the Peace.

XLVII. And be it further enacted, That the Property of all and every the Furniture, Utensils, Chattels, Provisions, Clothing, and Materials whatsoever,

whatſoever, to be from Time to Time had, bought, procured, and provided for the Uſe of the Priſoners in the ſaid new Goal and new Houſe of Correction reſpectively, or for carrying into Execution the ſeveral Purpoſes of this Act, ſhall be, and the ſame are hereby veſted in the Clerk of the Peace for the Time being, of the ſaid County of *Durham*, who is hereby authorized and empowered to bring, or cauſe to be brought, any Action or Actions, or to prefer, or cauſe to be preferred, any Bill or Bills of Indictment, in his own Name, againſt any Perſon or Perſons who ſhall ſteal, purloin, or tack, or carry away any Part of ſuch Furniture, Utenſils, Chattels, Proviſions, Clothing, or Materials whatſoever, and no Action or Indictment ſhall abate by reaſon of the Death of any ſuch Clerk of the Peace.

Application of Penalties.

XLVIII. And be it further enacted, That all and every the Sum and Sums of Money ariſing from ſuch Penalties and Forfeitures as ſhall or may be incurred or levied by virtue of this Act, ſhall be paid into the Hands of the Treaſurer for the Time being of and for the ſaid County of *Durham*, and ſhall be applied and diſpoſed of to and for the Purpoſes of this Act, and to and for no other Uſes or Purpoſes whatſoever.

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

XLIX. And be it further enacted, That the ſaid Juſtices of the Peace for the Time being may ſue and be ſued in any Court or Courts of Law or Equity for or in reſpect of any Claim, Contract, or other Matter or Thing made or done by them or any of them under the Authority of this Act, or for or in reſpect of any Nuiſance, Encroachment, or Treſpaſs made, done, or committed by any Perſon or Perſons whomſoever in or upon the ſaid new Gaol, Houſe of Correction, Court Houſes and Buildings to be provided, erected and built under the Powers and Authorities of this Act, or in or upon the Appurtenances thereunto reſpectively belonging, or any of them, or in or upon any Part or Parts thereof reſpectively, or in or upon the Meſſuages, Lands, Tenements, or Hereditaments hereby veſted in or to be purchaſed by the ſaid Juſtices under the Authority of this Act, or in or upon any Part or Parts thereof reſpectively, in the Name of the Clerk of the Peace for the ſaid County of *Durham*, or his Deputy for the Time being, and in the commencing, proſecuting, carrying on and defending all ſuch Actions or Suits, ſuch new Gaol, Houſe of Correction, Court Houſes and Buildings, with the Appurtenances, and ſuch Meſſuages, Lands, Tenements, and Hereditaments ſhall be deemed and conſidered in Law to be, and ſhall be deſcribed to be in the Poſſeſſion of the Juſtices of the Peace for the County of *Durham* for the Time being to all Intents and Purpoſes whatſoever, and no ſuch Action or Suit to be brought or commenced by or againſt them the ſaid Juſtices, or any of them, by virtue of this Act in the Name of the ſaid Clerk of the Peace or his Deputy for the Time being, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk of the Peace, or his Deputy, or by any Act of the ſaid Clerk of the Peace, or his Deputy for the Time being, done without the Conſent of the ſaid Juſtices of the Peace for the Time being, but that ſuch Clerk of the Peace, or his Deputy for the Time being, ſhall always be deemed the Plaintiff or Defendant in ſuch Action or Suit; and that in all and every ſuch Action and Actions, Suit and Suits, to be brought and commenced as aforeſaid, no Perſon or Perſons whomſoever ſhall be deemed incompetent to give Evidence by Reaſon of his, her, or their paying or contributing towards the Rates or Public Stock of and for the ſaid County; or by Reaſon of his, her, or their being charged with or liable to pay

or paying any of the County Rates of the said County: Provided always, that every such Clerk of the Peace, or his Deputy for the Time being, shall from Time to Time forthwith, by order of the said Justices in Sessions assembled, or the major Part of them, be reimbursed and paid by the Treasurer of the said County out of the publick Stock and general County Rates of and for the said County, all such Costs, Charges and Expences, as he or they shall be put unto, or become chargeable with, by reason of his being made a Plaintiff or Defendant as aforesaid.

Plaintiff not to recover if sufficient Amends offered.

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

Persons giving false Evidence guilty of Perjury.

LI. And be it further enacted, That all and every Person and Persons who upon any Oath to be taken by virtue or under the Authority of this Act, shall swear falsely, or take a false Oath, and all and every Person and Persons who in any Examination to be taken by virtue or under the Authority of this Act, shall give false Evidence before any Justice or Justices of the Peace for the said County of *Durham*, shall and may be respectively prosecuted for the same respectively, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Appeal to the Quarter Sessions.

LII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Act, Matter or Thing done in pursuance of this Act, or the Powers hereby given, then, and in every such Case, he, she, or they shall and may appeal to the said Justices of the Peace for the said County, at their General Quarter Sessions, to be holden next after any such Cause of Appeal shall have arisen; and the said Justices are hereby empowered to make such Order therein as to them, or the major Part of them, then and there present shall seem meet.

Limitation of Actions.

LIII. Provided also, and be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act after Twelve Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen, and every such Action shall be brought and laid in the County of *Durham*, and not elsewhere, and the Defendant or

Defendants in every such Action or Suit, shall and may plead at his, her, or their Election specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act: And if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid; then and in every of the said Cases, the Jury shall find a Verdict for the Defendant or Defendants, and in all Cases where a Verdict shall be found for any Defendant or Defendants in such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto or shall be nonsuited, or if upon Demurrer, Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law.

Expences of the Act, &c.

LIV. Provided always, and be it enacted, That all the Costs, Charges, and Expences preparatory to or attending the obtaining and passing of this Act, and the Costs, Charges, and Expences of carrying the several Powers and Purposes thereof into Execution, shall be borne and defrayed by the said County of *Durham*, and shall be paid and discharged by and out of the Rates to be assessed and raised within and for the said County under or by virtue of the Authority of this Act, or by the other Ways and Means herein-before mentioned or provided in that Behalf respectively.

Surplus Money, after discharging all Expences, &c. to be added to the General County Rate.

LV. Provided always, and it is hereby further enacted and declared, That as and when all and every the Costs, Charges, and Expences, and Principal Monies and Interest herein-before provided or directed to be paid and discharged by and out of the Money or Special County Rates to be assessed, raised, and levied by or under the Authority of this Act, shall have been fully satisfied and paid, then and in that Case the Residue or Surplus (if any) which shall be then remaining of the Money or Special County Rates which shall have been so raised and levied by or under the Authority of this Act, and which shall not have been applied in or for the Purposes to which the same are herein-before made applicable as aforesaid, shall be added to the then General County Rate or Stock of and for the said County of *Durham*, and shall be applied and disposed of in the same Manner, and to and for such general Purposes as the same General County Rate or Stock shall then be payable or applicable to.

Publick Act.

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

The

The SCHEDULE to which this Act refers.

Form of Mortgage and Charge upon the County Rates for securing Money borrowed.

WE One of His Majesty's Justices of the Peace and Chairman of the Court of General Quarter Sessions of the Peace for the County of *Durham*, holden at the Day of in the Year and Esquires, Three other of His Majesty's Justices of the Peace acting for the said County, and assembled in the said Court in pursuance of the Power to us given in and by an Act of Parliament passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act*], do hereby in open Court mortgage and charge all the Rates to be assessed and raised by or under the Authority of the before-mentioned Act within the said County of *Durham*, under the Denomination or Description of County Rates or County Stock, with the Payment of the Sum of which hath proposed and agreed to lend and hath now actually advanced and paid into the Hands of (The Lender, for or towards defraying and discharging the Costs and Expences of erecting and building the new Gaol and new House of Correction, and new Court Houses for the said County of *Durham*, provided and authorized in and by the said Act to be erected and built with suitable Accommodations thereto, and for or towards the discharging of the other Expences of carrying the same Act into Execution: And we do hereby confirm and establish the same unto the said (The Lender his Executors, Administrators, and Assigns for securing the Re-payment of the said Sum of and the Interest agreed upon for the same after the Rate of *per Centum per Annum*: And we do hereby order the Treasurer for the said County of *Durham* (or other Person as the Case may be) to pay out of the County Rates to be raised by or under the Authority of the said Act, the Interest of the said Sum of Half Yearly as the same shall become due, until the Principal Money shall be discharged pursuant to the Directions of the said Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1809.