ANNO TERTIO

GEORGII IV. REGIS.

Cap. lv.

An Act for building a new Gaol and a new House of Correction in and for the Town and County of *Newcastle-upon-Tyne*; and for other Purposes relating thereto. [24th *May* 1822.]

WHEREAS the present Common Gaol called *Newgate*, and the present House of Correction in and for the Town and County of *Newcastle-upon-Tyne* were respectively, at the Spring Assizes held in and for the said Town and County, in the First Year of His present Majesty's Reign, presented by the Grand Jury of the said Town and County, as being out of Repair and inconvenient, insufficient, and insecure: And whereas after the said Common Gaol and House of Correction were so presented, Doubts were entertained with whom the legal Liability rested of repairing and rendering the same convenient, sufficient, and secure; and in order to avoid the Delay and Expence which would attend prosecuting Proceedings at Law for obviating those Doubts, it is highly expedient, and will be of great public Utility, that a new Common Gaol, and a new House of Correction, with all necessary Conveniencies, should be speedily erected and built in some Part or Parts of the said Town, or within the Liberties thereof, more convenient than that Part of the same in which the present Gaol is situated: And whereas these Purposes cannot be properly effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, and Aldermen of the Commissioners.

the said Town and County of *Newcastle-upon-Tyne* for the Time being, (who are the Justices of the Peace for the said Town and County,) and the following Persons nominated and appointed on Behalf of the Inhabitants of the said Town and County; that is to say, Sir *Robert Shafto Hawks* Knight, and *William Coates*, on Behalf of the Inhabitants of the Parish of *Saint Nicholas* in the said Town and County; *Thomas Milner* and *William Brounsword Proctor*, on Behalf of the Inhabitants of the Parish or Parochial Chapelry of *All Saints* in the said Town and County; *William Thomas* and *George Anderson*, on Behalf of the Inhabitants of the Parish or Parochial Chapelry of *Saint John* in the said Town and County; and *Thomas Mackford* and *Thomas Graham*, on Behalf of the Inhabitants of the Parish or Parochial Chapelry of *Saint Andrew* in the said Town and County, and the Successors of the said Eight Persons, (such Successors to be appointed as is herein-after mentioned) shall be, and they are hereby constituted and appointed Commissioners for building a new Gaol and a new House of Correction in and for the said Town and County, and the Liberties thereof, and for executing the several Powers, Intents, and Purposes of this Act.

For electing new Commissioners.

II. And be it further enacted, That when and as often as any Commissioner appointed on Behalf of the Inhabitants of any of the said several Parishes or Parochial Chapelries shall die, or by Writing under his Hand, delivered to the Clerk or Clerks of the said Commissioners, shall decline or refuse to act, or shall become Mayor, Recorder, or an Alderman of the said Town and County, it shall and may be lawful for the Persons then composing the Four-and-twenty of such Parish or Parochial Chapelry, or the Majority of them, and they are hereby required, at a Meeting to be convened for the Purpose, within a reasonable Time after a Vacancy shall have taken place in the Number of the said Commissioners, from the Causes aforesaid or any of them, to elect some other Person to be a Commissioner in the Place of every Commissioner so dying, refusing, or declining to act, or becoming Mayor, Recorder, or an Alderman as aforesaid; and every Person so elected or to be elected in Manner aforesaid is hereby vested with the same Powers for putting this Act into Execution, as if he had been named a Commissioner in and by this Act.

Qualification of Commissioners.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (except the Mayor, Recorder, and Aldermen of the said Town and County) unless he shall have, or be seised of in Law or Equity, in his own Right or in Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Lands or Tenements within the said Town and County, or the Liberties thereof, either in Fee-Simple or for Life or Lives, or for a Term of Years determinable on One or more Life or Lives, of the clear yearly Value of Fifty Pounds, over and above all Incumbrances affecting the same, and all Rents and Charges payable out of or in respect of the same, or shall be possessed of Personal Estate to the Amount or Value of One thousand Pounds; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act (except the Mayor, Recorder, and Aldermen aforesaid) until after he shall have taken and subscribed, before the Mayor, Recorder, or some one of the Aldermen of the said Town and County, an Oath or Affirmation in the following Form:

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm,] That I am truly and *bonâ fide* in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Lands or Tenements within the Town and County of *Newcastle-upon-Tyne*, or the Liberties thereof, of the clear yearly Value of Fifty Pounds above Reprizes, [*or*, possessed of a Personal Estate to the Amount or Value of One thousand Pounds, *as the Case may be*]; and that I will truly and faithfully execute the Trusts reposed in me by an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for building a new Gaol and a new House of Correction in and for the Town and County of* Newcastle-upon-Tyne, *and for other Purposes relating thereto*, to the best of my Skill and Knowledge, without Favour or Affection, or Prejudice or Malice, to any Person whomsoever.

'So help me GOD.'

[*Or*, being a *Quaker*, leave out the Words, 'So help me God.']

And if any Person not being capable or qualified as aforesaid (except as aforesaid) shall act as a Commissioner for putting this Act or any of the Powers herein contained into Execution, every such Person for every such Offence shall forfeit and pay the Sum of Fifty Pounds to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so sued or prosecuted, shall prove that he was at the Time of acting capable or qualified as aforesaid, or otherwise shall pay the said Penalty, without other Proof or Evidence being given than that such Person acted as a Commissioner in the Execution of this Act; and the Monies so to be recovered shall, after Payment of the extra Costs and Expences attending the Recovery thereof, be applied towards the Purposes of this Act: Provided always, that all the Acts and Proceedings of any Person as a Commissioner in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been capable or qualified according to the Directions of this Act.

Meetings of the Commissioners.

IV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet at the Guildhall, or some other convenient Place within the Town and County aforesaid, within Thirty Days next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon of the same Day, and proceed to the Execution of this Act; and the said Commissioners, or any Five or more of them, may then and from Time to Time afterwards adjourn to meet again at the said Guildhall, or some other convenient Place within the said Town and County of *Newcastle*, for putting this Act into Execution, as they shall think proper, on any Day not exceeding Forty Days from such Day of Adjournment; and if at any of the Meetings to be held in pursuance of this Act, the Commissioners present shall omit or neglect to adjourn any such Meeting as aforesaid, or if there shall not be a sufficient Number of Commissioners then present to adjourn, then and in every such Case the Clerk or Clerks to the said Commissioners shall adjourn the Meeting to such Time and such Place, within the said Town and County of *Newcastle*, as he or they shall think fit, not exceeding Forty Days from the Time of such last mentioned Adjournment, and shall give Notice thereof in

in some Newspaper circulating in the said Town and County of *Newcastle* at least Ten Days before such Meeting; but no Business shall be begun or proceeded in at any Meeting of the said Commissioners before the Hour of Ten in the Forenoon, nor shall any Adjournment be made to a later Hour than Two in the Afternoon.

In default of Adjournment Commissioners may call a Meeting.

V. Provided always, and be it further enacted, That in case there shall not be a sufficient Number of Commissioners at any Meeting to proceed in the Execution of this Act, and the Clerk or Clerks to the said Commissioners shall neglect to adjourn such Meeting, then it shall be lawful for any Five or more of the said Commissioners, by Notice published in some Newspaper circulating in the said Town and County of *Newcastle*, to call a Meeting of the Commissioners for the Purpose of putting this Act into Execution, at any Time and at any Place within the said Town and County they shall think proper, not earlier than Ten Days from the Publication of such Notice; and each and every such Meeting shall or may be adjourned as if the same were held in pursuance of an Adjournment of an original Meeting.

Appointment of Chairman.

VI. And be it further enacted, That at every Meeting of the Commissioners to be held in pursuance of this Act, the Mayor, or, in his Absence, the Recorder, or in the Absence of both, the Senior Alderman present at such Meeting, shall be Chairman or President of the Meeting; but if the Mayor, Recorder, and all the Aldermen shall be absent from any such Meeting, then the Commissioners present, or the major Part of them, shall name and appoint a Chairman or President of such Meeting; and all Questions proposed or agitated at such Meeting shall be determined by the Majority of the Commissioners present; and in case of an equal Number of Voices or Votes of the Commissioners so assembled upon any such Question, including the Voice or Vote of the said Chairman or President, then the Chairman or President shall have the casting and decisive Voice or Vote; and all Questions, Orders, and Proceedings so determined, shall be as valid and effectual as if the whole Number of Commissioners present had concurred therein.

All Proceedings of Commissioners to be at Meetings.

VII. And be it further enacted, That all Acts, Orders, Resolutions, Determinations, and Proceedings of the said Commissioners, in the Execution of the Powers of this Act, shall be made at Meetings to be held as aforesaid, and not otherwise, and signed by the Chairman of such Meetings; and that no Act, Order, Resolution, Determination, or Proceeding of the said Commissioners, so made and signed as aforesaid, shall afterwards be altered, revoked, or repealed, unless at a Meeting to be called especially for that Purpose, by Notice signed by the Clerk or Clerks to the said Commissioners, to be published in some Newspaper circulating in the said Town and County of *Newcastle*, at least Ten Days before such Meeting, and unless the Number of Commissioners at such Meeting, desiring or voting for such Alteration, Revocation, or Repeal, shall be equal to or greater than the Number of Commissioners who concurred in making such Act, Order, Resolution, Determination, or Proceeding: Provided always, that no Act, Order, Resolution, or Determination shall be made, or other Business done, at any Meeting to be held in pursuance of this Act, at which Five at least of the said Commissioners shall not be present, but such Meeting shall be adjourned as herein-before mentioned.

VIII. And

Commissioners to pay their own Expences.

VIII. And be it further enacted, That the said Commissioners shall, at all their Meetings to be held in pursuance or by virtue of this Act, bear and pay their own Charges and Expences.

Justices, being Commissioners, may act.

IX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Mayor, Recorder, and Aldermen to act as Justices of the Peace in the Execution of this Act and every Part thereof, notwithstanding their being Commissioners.

Books to be kept of Proceedings of Commissioners.

X. And be it further enacted, That the said Commissioners shall and they are required from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books all Acts, Orders, Resolutions, and Proceedings of the Commissioners shall be regularly entered, and such Acts, Orders, Resolutions, and Proceedings so entered, shall be signed by the Chairman of any Meeting of the said Commissioners, at which any such Act, Order, Resolution, or Proceeding shall be made, and all and every such Book and Books shall be admitted in Evidence in all Courts by all Judges, Justices, and others.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Commissioners and Creditors.

XI. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended towards the Execution of this Act, or for or on account of the Buildings to be erected by virtue of this Act, or in any way relating to the same, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, and of any Creditor on the Rates and Assessments hereby granted, without Fee or Reward; and the said Commissioners and Creditors shall and may take Copies of or Extracts from the said Book or Books without paying any thing for the same; and in case the said Clerk or Clerks shall not permit the said Commissioners or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned; and all and every such Book and Books shall be admitted in Evidence in all Courts, by all Judges, Justices, and others.

Commissioners may appoint a Treasurer and other Officers.

XII. And be it further enacted, That the said Commissioners shall and may appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, and such other Officers for executing the Powers of this Act, and take such Security from them as they the said Commissioners shall think necessary; and shall at their Pleasure remove any such Officer or Officers, and appoint others in the Room of such as shall die or be so removed, and out of the Monies arising by this Act pay such Salaries or Allowances as they shall think proper to their Officers and all others employed under their Authority.

Offices of Clerk and Treasurer not

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed

to be held by the same Person.

appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Officers to account, &c.

XIV. And be it further enacted, That all Clerks, Treasurers, Collectors, and other Officers and Persons employed by the said Commissioners, shall from Time to Time, when thereunto required by the said Commissioners, or any Five or more of them, deliver to such Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account, in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, and received, and how and to whom, and for what Purposes the same have been disposed of, together with proper Vouchers and Receipts for such Payments, and shall pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Commissioners or any Five or more of them shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts, or to produce and deliver up the Vouchers relating thereto, or to pay the Balance remaining in their Hands, when thereunto required as aforesaid, or if such Officers or Persons, or any other Person shall refuse or neglect to deliver up to the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall appoint, within Four Days after being thereunto required, all Books, Accounts, Papers, and Writings in their respective Custody or Power any ways relating to the Execution of this Act, and Complaint shall be made of any such Refusal or Neglect to any Justice of the Peace for the County, City, Town, Borough, or Place where such Officers or Persons respectively so neglecting or refusing shall live and reside, such Justice shall, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or their appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Commissioners or any Five or more of them might have done; and if upon the Confession of such Officer or Person, or by the Oath or Oaths of any credible Witness or Witnesses, (which Oath or Oaths any such Justice is hereby authorized to administer) it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Person, such Justice shall, and he is hereby authorized and required upon Non-payment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods

and Chattels can be found sufficient to answer and satisfy the said Money and the Charges of such Distress and Sale, or if it shall in Manner aforesaid appear to such Justice that any such Officer or Person shall refuse or neglect to render and give such Account, or to produce the Vouchers relating thereto, or to deliver up or give Satisfaction respecting any Books, Papers, or Writings relating to the Execution of this Act as aforesaid, then it shall and may be lawful for such Justice to commit every such Offender to the Common Gaol or House of Correction of and for the County, City, Town, Borough, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he or they shall give and make a true and perfect Account and Payment as aforesaid, or shall compound with the said Commissioners touching the same, and shall have paid such Composition, in such Manner as they shall appoint, (which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make and receive) and until he or they shall deliver up all such Books, Papers, and Writings as aforesaid; but no Person who shall be committed on account of his not having sufficient Goods or Chattels as aforesaid, shall be detained in Prison by virtue of this Act for any longer Term than Three Calendar Months.

Commissioners to sue and be sued in the Name of their Clerk or any one Commissioner.

XV. And be it further enacted, That the said Commissioners shall and may sue or be sued for or concerning any Matter or Thing relative to this Act, in the Name of the Clerk or Clerks to be appointed under this Act as herein-before mentioned, for the Time being, or in the Name of any One of the said Commissioners, and that no Action that may be brought or commenced by or against the said Commissioners or any of them, by virtue of this Act, in the Name of the said Clerk or Clerks, or Commissioner, nor any Proceedings thereon, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or Commissioner, or by the Act of such Clerk or Clerks, or Commissioner, without the Consent of the said Commissioners, or any Five or more of them, but the said Clerk or Clerks for the Time being, or the said Commissioner, shall always be deemed Plaintiff or Defendant in such Action, as the Case may be.

Clerks &c. to be reimbursed their Expences.

XVI. Provided always, and be it further enacted, That every such Clerk or Clerks, or Commissioner, in whose Name such Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Commissioners may purchase Premises.

XVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, and they are hereby authorized and empowered to contract for the absolute Purchase in Fee-Simple of any Piece or Pieces, Parcel or Parcels of Ground, and any Houses or Buildings, Lands, Tenements, or Hereditaments, situate within the said Town, or the Liberties thereof, which shall appear to them proper or convenient for the Purposes of this Act, and to take and use the same for the Purposes of this Act, first making or tendering Satisfaction in Manner herein-after mentioned to the Owners or Proprietors of such Lands,

Grounds,

Grounds, Houses, Buildings, Tenements, or Hereditaments; and such Pieces or Parcels of Ground; Lands, Tenements, Hereditaments, Houses, or Buildings respectively, when purchased, shall be conveyed to the Justices of the Peace for the said Town and County, and their Successors, for the Uses and Purposes of this Act, by such Form of Conveyance as is hereinafter expressed and declared.

All Persons enabled to sell, and Persons indemnified in conveying.

XVIII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and to and for all Tenants for Life or in Tail, Special or General, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of Lunatics 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 several Cestuique Trusts, whether Infants, Issue unborn, Femes Covert, Lunatics, or Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised, 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 seised or possessed of, entitled to, or in anywise interested in any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary or convenient by the said Commissioners, or any Five or more of them, to be purchased for the Purposes of this Act, to treat, contract, and agree with the said Commissioners, or any Five or more of them, for the Sale thereof, or of 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 Town and 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 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, 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 Politic or Corporate, Corporation Aggregate or Sole, and all Tenants for Life or in 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.

In case Parties disagree, Value to be ascertained by a Jury.

XIX. And be it further enacted, That in case any Owner or Owners, Occupier or Occupiers of, or any Person or Persons whosoever in anywise interested in any Piece or Pieces, Parcel or Parcels of Ground, Houses or Buildings, Lands, Tenements, or Hereditaments which the said Commissioners

sioners or any Five or more of them shall judge proper and convenient for any of the Purposes of this Act, (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 of any Corporation) shall, for the Space of Fourteen Days after such Notice given or left, neglect or refuse to treat, or shall refuse to accept such Price or Recompence as shall be offered by the said Commissioners, or any Five or more of them, or their Agent, or shall otherwise not agree for the Sale of any Piece or Pieces, Parcel or Parcels of Ground, Houses, Buildings, Lands, Tenements, or Hereditaments, or of his, her, or their respective Estates or Interests therein, or by reason of Absence or Incapacity shall be prevented treating for such Sale, then and in every such Case the said Commissioners, or any Five or more of them, shall cause the Value of such Piece or Pieces, Parcel or Parcels of Ground, Houses, Buildings, Lands, Tenements, and Hereditaments, and what Damages or Injury will be sustained by, and what Recompence or Satisfaction shall be made to the Person or Persons interested therein, to be inquired into and ascertained by a Special Jury of Twelve indifferent Men of the County of *Northumberland*, qualified to serve on Special Juries; and in order thereto the said Commissioners, or any Five or more of them, are hereby empowered and required, from Time to Time as Occasion shall be, to summon and call before such Jury, and to examine upon Oath, any Person or Persons whomsoever, and such Commissioners shall, by ordering a View or otherwise, use all Ways and Means, as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired into and assessed the Value of such Piece or Pieces, Parcel or Parcels of Ground, Houses, or Buildings, Lands, Tenements, or Hereditaments respectively, and such Recompence or Satisfaction as aforesaid, they the said Commissioners, or any Five or more of them, shall order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, and Persons interested in the Premises respectively, according to the Verdict and Inquisition of such Jury, which said Verdict and Inquisition and Judgment, Order or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes 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, Lunatics, Idiots, and Persons under Coverture, or any other Disability whatsoever, Corporations, Guardians, Committees, Husbands, Trustees, or any other Person or Persons whomsoever; and for summoning such Juries the said Commissioners, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Northumberland*, requiring the said Sheriff to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve on Special Juries, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, such Time not being less than Fourteen Days nor more than Twenty-eight Days after such Warrant shall be served upon the said Sheriff; and Fourteen Days Notice at the least in Writing under the Hands of the said Commissioners, or any Five or more of them, is hereby required to be given to such Person or Persons interested in the Premises respectively, of the Time and Place of the said Jury being so impannelled, summoned, and returned, and such Sheriff is hereby required to impannel, summon, and

return such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Commissioners shall, and they are hereby empowered and required 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, such Sheriff, or the Under Sheriff or Under Sheriffs, Bailiff or Bailiffs, or the said Commissioners, shall return other honest and indifferent Persons of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Parties concerned shall have their lawful Challenges against any of the said Jurymen, when they shall come to be sworn; and the said Commissioners, or any Five or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines upon any such Sheriff, Under Sheriff, or Bailiff making Default in the Premises, and on any of the Persons who shall be summoned and returned upon such Jury, and shall not appear, without some sufficient Excuse, or appearing shall refuse to be sworn upon the said Jury, or being so sworn shall refuse to give or not give a Verdict, or shall in any other Manner wilfully neglect their Duty respectively in the Premises, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall neglect or refuse to appear, without some sufficient Excuse, or appearing shall refuse to be sworn or examined, or to give Evidence; so that no such Fine be more than Twenty Pounds on any such Sheriff or Under Sheriff, nor more than Ten Pounds on any other Person for One Offence.

Verdict to be kept by Clerk of the Peace, and Copies admitted as Evidence.

XX. And be it further enacted, That each and every Verdict so given, and the Order, Adjudication, and Determination of the said Commissioners thereupon, shall be set down in Writing, under the Hands and Seals of the Commissioners who shall have been present when such Verdict was given, or shall have made such Order, Adjudication, or Determination, and shall be transmitted to and kept by the Clerk of the Peace for the said Town and County of *Newcastle-upon-Tyne*, and shall be deposited with and kept amongst the Records of the Sessions of the said Town and County, and be deemed and taken as Records thereof to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

For defraying the Expences of the Jury.

XXI. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict for more Money as a Recompence or Satisfaction than shall appear to them to have been offered or tendered by the said Commissioners before the summoning or returning such Jury, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the obtaining such Verdict, shall be borne and paid by the said Commissioners out of the Money arising by virtue of this Act, but if any such Jury shall give in and deliver a Verdict for no more or for less Money as a Recompence or Satisfaction than shall so appear to have been offered or tendered by the said Commissioners before the summoning or returning the said Jury or Juries, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and

all other Expences attending the obtaining such Verdict, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, and which Costs and Expences shall be ascertained and settled by some Justice of the Peace for the County of *Northumberland*, not interested in the Matter in question, (who is hereby authorized and required to examine into and settle the same) and shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment and Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be in Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so settled and ascertained as aforesaid, may be recovered by the Clerk or Clerks of the said Commissioners, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners in Manner aforesaid.

Application of Compensation Money exceeding 200*l.*

XXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Ground, Houses or Buildings, Lands, Tenements or Hereditaments, or for any other Matter, Right, or Interest of what nature or kind soever, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any Disability or Incapacity, as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex-parte* the Commissioners for building a new Gaol and House of Correction, in and for the Town and County of *Newcastle-upon-Tyne*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Ground, Houses or Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Ground, Houses or Buildings, Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Ground, Houses or Buildings, Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime, and until such Purchase

chase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Ground, Houses or Buildings, Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less than 200*l.* and exceeding 20*l.*

XXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Ground, Houses or Buildings, Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons entitled for the Time being to the Rents and Profits of the Ground, Houses or Buildings, 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 or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option of Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners, or any Five or more of them (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends and Interest arising therefrom, may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the High Court of Chancery.

Where less than 20*l.*

XXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Ground, Houses or Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Commissioners, or any Five 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, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

Cases in which Purchase Money

XXV. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid

aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or any Five or more of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Ground, Houses or Buildings, Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful for the said Commissioners, or any Five or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Ground, Houses or Buildings, Lands, Tenements, or Hereditaments, (describing them) subject to the Order, Controul, and Disposition of the said Court, which said Court, 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such 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.

may be paid into the Bank.

XXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Ground, Houses, or Buildings, Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall be in Possession of such Ground, Houses or 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 entitled to such Ground, Houses or Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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 entitled to such Ground, Houses or Buildings, Lands, Tenements, and Hereditaments, or to some Estate or Interest therein.

In case of Question as to Title to Money, Person in Possession to be deemed entitled.

XXVII. Provided also, and be it further enacted, That where by reason of any Inability or Incapacity of the Person or Persons or Corporation entitled

Court may order reasonable Ex-

pences of Purchases to be paid by Commissioners.

entitled to any Ground, Houses or Buildings, 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, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses, it shall be lawful for the said Court 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 Charges of obtaining the Order of the said Court, to be paid by the said Commissioners, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to take Possession upon Payment or Tender of Purchase Money.

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

Occupiers to give up Possession after Three Months Notice.

XXIX. And be it further enacted, That in case the said Commissioners, or any Five or more of them, or any Person authorized by them shall, after any Ground, Houses, Buildings, Lands, Tenements, or Hereditaments shall have been purchased in pursuance of this Act, give Three Calendar Months Notice in Writing to all or any of the Tenants at Rack Rent, or Occupiers of such Premises, to give or deliver up the Possession thereof, then every such Tenant or Occupier shall, at the End of such Three Calendar Months, peaceably and quietly deliver and yield up the Possession of the said Premises so by him, her, or them respectively held

or occupied, whether upon Demise, Lease or otherwise, to the said Commissioners, or the Person or Persons who shall be appointed by them, or any Five or more of them, to take Possession thereof; and all Leases, and Demises or Agreements for letting, renting, or holding the same, at Rack Rent or otherwise theretofore made, shall from the End of the said Three Calendar Months be absolutely void and of none Effect as against the said Commissioners and every of them, and as against the said Justices of the Peace and their Successors; and if any Person or Persons so in Possession, after having received such Satisfaction or Compensation as aforesaid, or after Tender made thereof as aforesaid, (such Satisfaction or Compensation, in case of difference to be settled as aforesaid,) shall refuse to give up such Possession, at the End of such Three Calendar Months after such Notice, it shall and may be lawful for the said Commissioners, or any Five or more of them, to issue their Precept to the Constables of the said Town and County of *Newcastle* aforesaid for the Time being, or any or either of them, to cause Possession of the said Premises to be delivered up to such Person or Persons as shall in such Precept be nominated to receive the same; and the said Constable or Constables is and are hereby required respectively to deliver Possession, according to such Precept or Precepts, of the Premises therein mentioned, and to levy such Costs as shall accrue by Means of the issuing and executing of every such Precept or Precepts, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall neglect or refuse to pay such Costs on Demand, after the same shall have been ascertained and settled by the said Commissioners, or any Five or more of them, who are hereby empowered and required to ascertain and settle the same.

Mortgagees to convey:

XXX. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages upon the Grounds, Houses or Buildings, Lands, Tenements or Hereditaments, which shall be purchased by virtue or for the Purposes of this Act, on having Two Calendar Months Notice in Writing given to him, her, or them from the said Commissioners, or any Five or more of them, for paying off the Principal Money and Interest which shall be due on such Mortgages respectively, shall, at the Expiration of the said Two Calendar Months after such Notice, on Payment or Tender of the Principal Money and Interest which shall be then due, convey or assign his, her, or their respective Estates and Interests to the said Justices of the Peace for the said Town and County of *Newcastle* aforesaid, and their Successors, or to such Person or Persons as the said Justices or the major Part of them, at the General Quarter Sessions for the said Town and County, or at any Adjourned Quarter Sessions for the same assembled, shall nominate or appoint, in trust for the Justices of the Peace for the said Town and County, and their Successors, for the Purposes of this Act; and in case of Refusal so to do by any Person or Persons having any such Mortgage or Mortgages, then all Interest on such Mortgage or Mortgages, from the Expiration of the Two Calendar Months after any such Notice, shall cease, determine, and be no longer payable; any Law or Custom to the contrary notwithstanding.

Form of Conveyance.

XXXI. And be it further enacted, That all Conveyances and Assurances of any Ground, Houses or Buildings, Lands, Tenements, or Hereditaments,

ments, to be made to the said Justices of the Peace for the said Town and County of *Newcastle-upon-Tyne*, by virtue of this Act, shall be made in the Manner and Form, or to the Effect following; (that is to say),

'I *A. B.* of , in consideration of the Sum of paid by the Commissioners acting by virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled (*here insert the Title of this Act*) do hereby grant and release to the Justices of the Peace for the Town and County of *Newcastle-upon-Tyne*, and their Successors, Justices for the said Town and County, all (*here describe the Premises*) and all and every Estate, Right, Title, and Interest of, in, and to the same, and every Part thereof, to hold to the said Justices and their Successors, Justices for the said Town and 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 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 taken 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 and 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.

Commissioners to build a new Gaol, &c.

XXXII. And be it further enacted, That it shall and may be lawful for the said Commissioners or any Five or more of them, and they are hereby authorized and required, with all convenient Speed, after the passing of this Act, to build and erect, or cause to be built and erected, on the Ground, Lands, Tenements, or Hereditaments so to be purchased as aforesaid for the Purposes of this Act, a new and convenient Common Gaol, and also a new and convenient House of Correction, and sufficient Out-courts and Outlets thereto respectively, for the Confinement of Criminals, Debtors, and others, and also Infirmaries, or Apartments for sick and infirm Persons confined therein respectively, and proper Places for the Residence of the Gaoler or Gaolers, Keeper or Keepers, or other Officers of the said new Gaol and new House of Correction respectively, and also all such other proper and convenient Erections and Buildings as the said Commissioners or any Five or more of them shall judge necessary or expedient to answer the Purposes of this Act, and to make or cause to be made proper and sufficient Roads, Avenues, and Approaches to the said new Gaol and House of Correction respectively, and to cause the said new Gaol and new House of Correction respectively, and other Buildings aforesaid, to be fitted up and furnished in a complete and effectual Manner, for the Reception, Security, and Health of the Prisoners and Persons confined therein respectively, as to them the said Commissioners, or any Five or more of them, shall seem best adapted to answer the Purposes of this Act;

Act; for doing all which the said Commissioners, or any Five or more of them, are hereby authorized to make such Contracts, and to employ such Artificers, Workmen, Labourers, and others, and to do all such Things as shall in their Discretion appear requisite and expedient in the Premises.

Old Gaol and House of Correction the Property of the Mayor and Burgesses; but Commissioners may apply the old Materials to the new Buildings.

XXXIII. And whereas the present Common Gaol and House of Correction of the said Town and County do respectively belong to, and are the Property of the Mayor and Burgesses of the said Town and County, who are willing that the Materials thereof should be applied to the Purposes hereinafter mentioned: Be it therefore further enacted and declared, That it shall and may be lawful for the said Commissioners, or any Agents, Workmen, or Artificers by them employed and authorized, to pull down the said present Gaol and House of Correction respectively, and to take and carry away the Materials, or any of them, and to apply the same towards building and erecting such new Gaol and House of Correction respectively, as aforesaid, without and free from the Payment of any Price or Consideration whatsoever, to the said Mayor and Burgesses, for the same: Provided always, that if the said Materials shall not be taken away or removed by the said Commissioners for the Purposes aforesaid, the same shall continue to be and remain the Property of the said Mayor and Burgesses.

Materials vested in Commissioners.

XXXIV. And be it further enacted, That all Timber, Stone, and Brick, and other Materials to be made use of, or which shall be collected or purchased to be made use of, by Order of the said Commissioners, or any Five or more of them, for building and completing the said new Gaol and House of Correction respectively, or other Buildings, or otherwise for the Purposes of this Act, and which may not be the immediate Property of their Agents and Contractors, shall be, and the same are hereby vested in the said Commissioners, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, in the Name of their Clerk or Clerks, to be appointed under and by virtue of this Act, as aforesaid, for the Time being, or to prefer or cause to be preferred any Bill or Bills of Indictment against, and prosecute any Person or Persons who shall steal, take away, or damage any such Materials, or disturb them in the Possession thereof; and in all such Bills of Indictments and Actions it shall be, and be deemed and taken to be, sufficient to state generally that the Materials, Articles, or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for building a new Gaol and new House of Correction for the Town and County of *Newcastle-upon-Tyne*, without particularly stating or specifying the Names or Name of all or any of the said Commissioners.

For punishing Persons damaging Buildings.

XXXV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, pull down, or destroy the said new Gaol and new House of Correction, or either of them, or any other Building to be erected pursuant to the Directions of this Act, or any Part or Parts thereof, every Person so offending shall be guilty of Felony, and being lawfully convicted thereof at any General Quarter Sessions of the Peace to be holden for the said Town and County of *Newcastle*, shall be subject and liable to the like Penalties and Punishments as Persons convicted of Felony are by

Law subject and liable to, and the Court by and before whom any such Person shall be tried and convicted, or any subsequent Court with the like Authority, shall have Power and Authority to adjudge and order such Person to be punished in like Manner as Persons convicted of Felony are directed to be punished by the Laws and Statutes of this Realm.

New Gaol, &c. vested in the Justices.

XXXVI. And be it further enacted, That after the said new Gaol and new House of Correction and Buildings aforesaid respectively, shall have been built and completed, the same shall become and are hereby declared to be vested respectively in the Justices of the Peace of the said Town and County of *Newcastle*, for the public Purposes herein-after mentioned; and the Property of and in all and every the Furniture, Utensils, Chattels, Provisions, Clothing, and other Articles which shall have been or which shall from Time to Time thereafter be had, bought, procured, or provided for the Use of the Felons, Debtors, and other Prisoners in the said new Gaol and new House of Correction, and other Buildings respectively, and otherwise for the Purposes of this Act, shall be and be deemed and taken to be in the Justices of the Peace for the said Town and County of *Newcastle* aforesaid for the Time being; and it shall be lawful for the said Justices to bring Actions in the Name of the Clerk of the Peace for the said Town and County, or to prefer Bills of Indictment, as the Case may be, against any Person or Persons who shall destroy, damage, or injure the said new Gaol, new House of Correction, or Buildings, or any or either of them, or who shall destroy, damage, injure, take, steal, or carry away the Particulars aforesaid, or any of them; and in all such Actions and Bills of Indictment respectively, it shall be deemed and taken to be sufficient to state generally that the said new Gaol, new House of Correction, or Buildings aforesaid, or any of the Particulars aforesaid, in respect or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of "the Justices of the Peace for the Town and County of *Newcastle-upon-Tyne*," without particularly stating or specifying the Names or Name of all or any of the said Justices.

New Gaol, &c. to be used instead of the old.

XXXVII. And be it further enacted, That when and so soon as the said new Gaol and the said new House of Correction, to be built and erected under the Powers and Authorities of this Act, shall respectively have been erected and completed, then and from thenceforth the said new Gaol shall be, and shall to all Intents and Purposes be deemed and taken to be, the Common Gaol or Prison of and for the said Town and County of *Newcastle-upon-Tyne*, and shall be appropriated and made use of as and for such Common 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 in 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 Town and County, and shall be appropriated and made use of as such, and for the Imprisonment and Confinement of all Persons from Time to Time committed thereto, or imprisoned or confined therein, by or in Course or Process of Law; and the Sheriff for the Time being of the said Town and County, and the Gaoler or Keeper or respective Gaolers or Keepers for the Time being of the said new Gaol and the said new House of Correction, shall respectively be liable and answerable, to all Intents and

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 and new House of Correction respectively, in such and the like Manner as the said Sheriff, and the said Gaoler or Keeper, or respective Gaolers or Keepers of the said present Gaol and the said present House of Correction respectively, now is or are liable or answerable in every respect and in every Case; and the Justices of the Peace for the Time being in and for the said Town and County of *Newcastle* aforesaid shall have, possess, and exercise such and the like Power, Authority, and Jurisdiction over the said new Gaol and the said new House of Correction respectively, and over the respective Gaolers or Keepers of the same, as they the said Justices or any of them respectively now have or 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; and also that the said new Gaol and House of Correction, and the Buildings thereunto belonging, and the Furniture thereof respectively, when the same shall have been erected, completed, and furnished as aforesaid, shall in future be repaired, supported, maintained, and provided by and out of the general Rates, Stock, or Funds of the said Town and County; and that the said new Gaol and House of Correction, Buildings and Furniture respectively, shall from Time to Time be insured in the Name of the Treasurer for the Time being of the said Town and County from Loss or Damage by Fire, in such Sum or Sums of Money, and in such Assurance Office or Offices, as the Justices of the Peace for the said Town and County, assembled at any General Quarter Sessions, or at any Adjournment thereof, or the major Part of them, shall from Time to Time direct, order, or appoint; and the Premium or Premiums upon, and other Expences attending such several Insurances, shall be paid and defrayed by and out of the general Rate or Stock of the said Town and County for the Time being; and the said Justices so assembled as aforesaid, or the major Part of them, shall and may and are hereby authorized and empowered to make such Orders as shall and may be necessary or proper for effecting the several Purposes aforesaid.

Justices may remove the Prisoners to a temporary Place of Confinement.

XXXVIII. Provided always, and be it further enacted, That in case the said Commissioners shall deem it expedient to pull down the said present Gaol and present House of Correction respectively, or either of them, and apply the Materials as aforesaid, then and in such Case it shall and may be lawful to and for the Justices of the Peace for the said Town and County, or the major Part of them, assembled as aforesaid, by Order in Writing under their Hands respectively, to be given to the said Sheriff of the said Town and County, and to the Gaoler or Gaolers, Keeper or Keepers, of the said present Gaol and House of Correction respectively, and which Order the said Sheriff, Gaolers, and Keepers respectively are hereby required with all convenient Speed to obey, to cause to be removed the Felons, Debtors, and Persons respectively imprisoned and confined as aforesaid, to the Prison of the *New Moot Hall* at *Newcastle* aforesaid, or to such temporary Place or Places of Confinement as the said Justices assembled as aforesaid, or the major Part of them, shall, with the Consent of the said Sheriff, approve of; and the said Sheriff, and the said Gaolers or Gaoler, Keepers or Keeper respectively, shall there confine and keep such Felons, Debtors, and other

Prisoners

Prisoners in such Place or Places of Confinement, until the said new Gaol and new House of Correction shall be respectively completed and fit for their Reception; and the Expences which may be incurred by the said Sheriff, Gaoler or Gaolers, Keeper or Keepers, on account of such Removal or temporary Confinement, shall be paid by and out of the general Rates of the said Town and County; and such Removal or Removals as aforesaid shall not be deemed or taken to be an Escape or Escapes; and during the Time of such temporary Confinement as aforesaid, the said Felons, Debtors, and Prisoners shall be and be deemed and considered to be under the sole Authority, Controul, and Management of the Gaoler or Gaolers, Keeper or Keepers of the said present Gaol and House of Correction respectively, nor shall any other Person be answerable for their safe Custody respectively: Provided always, that nothing herein contained shall extend or be construed to extend to discharge the said Sheriff, and Gaoler or Gaolers, Keeper or Keepers respectively, or any of them, from being answerable for the actual Escape of any Prisoner or Prisoners in their respective Custody.

Criminals sentenced to hard Labour may be employed in erecting the new Gaol.

XXXIX. And be it further enacted, That it shall be lawful for the said Justices, or any of them, with the Consent of the Sheriff of the said County for the Time being, (such Consent to be signified in Writing under his Hand) to order or direct any of the Criminals, who for the Time being shall be confined in any Gaol or House of Correction in the said County, and sentenced to hard Labour, to be employed as well without as within the Walls of such new Gaol or House of Correction, or in or about any of the Works authorized by this Act to be erected and made, without the same being deemed or taken to be an Escape.

For raising Money.

XL. And for raising Money for and towards the Purposes of this Act, be it further enacted, That from and after the passing of this Act, the said Commissioners, or any Five or more of them, shall and may yearly, and every Year, ascertain and determine what Sum or Sums of Money they shall judge necessary to be assessed and raised for the Purposes of this Act, on the said Town and County of *Newcastle-upon-Tyne*, for the Year then next following; and shall thereupon order and appoint every such Sum or Sums of Money to be raised and levied by Taxation of all Lands, Houses, Buildings, Tenements, and Hereditaments whatsoever, within the said Town and County of *Newcastle-upon-Tyne*, (except the Churches, Chapels, and Burial Grounds, and Places of Religious Worship tolerated by Law) in equal Proportion, according to their respective Worth and Value; and in order thereto the said Commissioners, or any Five or more of them, are hereby authorized and empowered indifferently to proportion out the said Sum or Sums of Money upon each Parish or Parochial Chapelry, Ward or Precinct, within the said Town and County of *Newcastle* aforesaid, in such and the like Manner and Proportion on each such Parish, Parochial Chapelry, Ward, or Precinct, and by Warrant under their Hands and Seals, or the Hands and Seals of any Five or more of them, to authorize and require the Person or Persons under this Act appointed Collector or Collectors for the Time being of the said Rate or Rates, Assessment or Assessments, of each respective Parish, Parochial Chapelry, Ward, and Precinct within the said Town and County, to assess, demand, collect and receive the same respectively: Provided always, that it shall and may be lawful to and for the said Com-

missioners,

missioners, or any Five or more of them, upon the Complaint or Application of any Person or Persons conceiving himself, herself, or themselves aggrieved by any such Rate or Assessment as aforesaid, to make such Alteration in the said Rate or Assessment, or such other Order for the Relief or Redress of such Person or Persons, as to them the said Commissioners shall seem meet.

Limiting the Sum to be raised.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to authorize and empower the said Commissioners to have any further or greater Sum of Money raised in the whole by way of Rate, than the Sum of Fifty thousand Pounds, for the Purpose of erecting and completing the said Common Gaol and House of Correction respectively, and other Buildings to be erected by virtue of this Act, or any other the Purposes of this Act, including the Costs and Charges of obtaining and passing this Act, and of furnishing the said new Gaol and House of Correction respectively, and other Buildings; nor to authorize or empower the said Commissioners to order and appoint any greater Sum or Sums of Money to be raised by such Taxation in any one Year than One Shilling and Sixpence in the Pound on the Annual Value of all the Lands, Houses, Buildings, Tenements, and Hereditaments within the said Town and County of *Newcastle-upon-Tyne*.

Remedy for Recovery of Rates.

XLII. And be it further enacted, That if any Person or Persons liable to the Payment of any such Rates or Assessments, shall refuse or neglect to pay the same by the Space of Fourteen Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof, and delivered to or left at the usual Place of Abode of such Person or Persons, signed by any Person or Persons by virtue of this Act appointed Collector or Collectors of such Money so rated or assessed, then and in every such Case it shall be lawful for such Collector and Collectors, and he and they is and are hereby respectively authorized and required, by Warrant under the Hands and Seals of any Two or more Justices of the Peace acting in and for the said Town and County of *Newcastle-upon-Tyne*, (which Warrant such Justices are hereby authorized and required to grant, upon Proof being made upon Oath of the Demand and Non-payment thereof as aforesaid, and which Oath or Oaths the said Justices are hereby authorized and required to administer,) to levy all and every such Rates and Assessments by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the same, which shall be found in the said Town and County; but if sufficient Distress cannot be found within the said Town and County, then in any other County, City, Liberty, or Place, upon such Warrant being countersigned or backed by One Justice of the Peace of such other County, City, Liberty, or Place, which Warrant such Justice is hereby authorized and required to countersign or back; and if within Four Days after such Distress or Distresses shall be made, the said respective Rates or Assessments, and all Arrears thereof, shall not be paid, together with the Costs and Charges of taking and keeping the same, the said Collector or Collectors shall cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering to the Owner the Overplus, (if any there be) after deducting the said Rates or Assessments, and all Arrears thereof, and the reasonable Costs and Charges attending such

Distress and Sale; which Costs and Charges, in case of Dispute, shall be settled and ascertained by any Two or more of His Majesty's Justices of the Peace for the said Town and County.

Rates to be paid by Tenants, and Moiety to be allowed by Landlords:

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

But subject to Agreements between Landlord and Tenant.

XLIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to make void any Contract, Covenant, or Agreement between Landlord and Tenant, relating to the Payment of any Rates or Assessments within any of the said several Parishes, Parochial Chapelries, Wards, or Precincts of the said Town and County of *Newcastle-upon-Tyne*.

Provision in case of Persons removing.

XLV. And whereas Persons may remove out of such Parishes, Parochial Chapelries, Wards, or Precincts, within the said Town and County of *Newcastle-upon-Tyne*, without paying the Rates assessed on them for the Purposes of this Act, and other Persons may enter and occupy their Houses and Tenements Part of the Year, by reason whereof Defalcation in Payment of such Rates might arise; be it therefore enacted, That where any Person or Persons shall come into or occupy any House, Land, Tenement, or Hereditament, or other Premises, out of or from which any other Person assessed shall be removed, or which, at the Time of making such Rate was empty or unoccupied, then every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay such Rate, in proportion to the Time that such Person occupied the same respectively, in the same Manner as if such Person so removing had not removed, or such Person so coming in or occupying had been originally rated and assessed in such Rate, which said Proportion, in case of Dispute,

pute, shall be ascertained by Two of His Majesty's Justices of the Peace for the said Town and County of *Newcastle* aforesaid.

Commissioners enabled to borrow Money.

XLVI. And whereas it may be necessary to borrow Monies upon the Credit of this Act, for the more speedy and effectual carrying into Execution the Purposes thereof; be it therefore enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time, and they are hereby empowered to borrow and take up, on Mortgage of the said Rates and Assessments, such Sum or Sums of Money as to them shall appear necessary and expedient for the Purposes aforesaid, at legal or lower Interest; and every such Mortgage shall be signed by the said Commissioners, or any Five or more of them, at a Meeting to be held under and by virtue of this Act, and all such Mortgages shall be clear of all Fees and Expences whatsoever to the Persons respectively so advancing the Money, and Copies of all and every such Mortgages shall be entered in a Book or Books to be kept by the Clerk or Clerks to the said Commissioners; and all Persons to whom such Mortgages shall be given are empowered by Writing or Writings under his or their Hand, or respective Hands, indorsed on the Back of such Mortgages, to sell, assign, or transfer the same respectively, to any Person or Persons whomsoever, who shall thereupon be entitled to the Benefit thereof and Payment thereon; and he, she, or they may in like Manner sell and assign or transfer the same again, and so *toties quoties*; and all such Transfers and Assignments so to be made, shall (previous to any Payment in respect of the same to any Party to whom the same shall have been transferred or assigned respectively) be entered and copied by the Clerk or Clerks to the said Commissioners, in the Book or Books to be kept by him for the Purpose of entering and copying the said Mortgages, for each of which Entries he shall receive the Sum of Five Shillings, and no more, from the Person or Persons to whom such Assignments shall be made; and all and every Person and Persons to whom such Mortgages, or Transfers or Assignments thereof respectively, shall be made or given, shall be Creditors on the said Rates and Assessments equally with one another, without regard to the Priority of Date of each or any such Mortgage.

Forms of Mortgages and Transfers thereof.

XLVII. And be it further enacted, That the said Mortgages of the said Rates and Assessments, and all Transfers of such Mortgages respectively, shall be made in the Manner and Form or to the Effect following; (that is to say)

MORTGAGE.

'WE Five of the Commissioners named and authorized in 'and acting by virtue of an Act passed in the Third Year of the Reign 'of His Majesty King *George* the Fourth, intituled (*here insert the Title of 'this Act*) assembled at a Meeting held under and by virtue of the said 'Act, do by virtue of the Powers in the said Act contained, in consideration of the Sum of advanced and paid this 'Day of by *A. B.* of into the Hands of 'the Treasurer appointed under and by virtue of the said Act, to be 'applied for the Purposes thereof, grant, bargain, sell, and demise unto 'the said *A. B.* Executors, Administrators and Assigns,

'such

'such Proportion of the Rates and Assessments raised and collected for
'the Purposes of this Act, as the said Sum of doth or shall
'bear to the whole Sum charged and advanced, or to be charged and ad-
'vanced, upon the said Rates and Assessments, to be holden from the
'Day of the Date hereof until the said Sum of with In-
'terest after the Rate of *per Centum per Annum*, shall be fully
'repaid and satisfied. Given under our Hands this Day of
'in the Year of our Lord One thousand eight hundred and .'

TRANSFER OF MORTGAGE.

'I [*or* we] do hereby assign and transfer this Mortgage, [*if by Indorse-*
'*ment, or if by a separate Instrument* a certain Mortgage,] bearing
'Date the Day of of the Rates and Assessments
'raised and collected by virtue of an Act passed in the Third Year of the
'Reign of His Majesty King *George* the Fourth (*here insert the Title of*
'*this Act*) and all my Right and Title to the Principal Money and
'Interest thereby secured and now due thereon, unto *A. B.* of
' Executors, Administrators, and Assigns. Witness my
'Hand [*or* our Hands] this Day of One thousand
'eight hundred and .'

For Payment of Interest.

XLVIII. And in order effectually to secure the regular and punctual Discharge of the Interest on the Principal Sums to be borrowed as aforesaid, be it further enacted, That the Treasurer or Treasurers for the Time being to be appointed under and by virtue of this Act shall, and he and they is and are hereby required Half-yearly in every Year after the Commencement of this Act, until the whole of the Principal Sums hereinbefore authorized to be borrowed shall have been repaid, with all Interest for the same, to retain and keep in his and their Hands, out of the Monies arising by the said Rates and Assessments, and paid to him or them by the Collectors of the said Rates and Assessments, such a Sum of Money as will be sufficient to answer, pay, and discharge such Half-year's Interest; and in order to facilitate the Payment of such Interest, the said Commissioners, or any Five or more of them, are hereby required to appoint a Day or Days Half-yearly, on which such Interest, as the same shall become due, shall from Time to Time be discharged, at such Place or Places within the said Town and County of *Newcastle-upon-Tyne*, as they, or any Five or more of them, shall from Time to Time think proper, and which the Treasurer or Treasurers for the Time being, appointed under this Act, is and are hereby required to pay accordingly; and the said Commissioners, or any Five or more of them, shall and they are hereby required, previous to each and every such Day or Days of Payment, to adjust and settle all Books of Accounts relative to the Execution of this Act, in such Manner that it may easily be seen what Principal Sums have been discharged, and what Interest shall be growing due, and thereupon to make Order for the regular Discharge of the same.

For Payment of Principal Sums.

XLIX. And, in order that all the said Mortgages may be paid off and discharged respectively, without Partiality or Preference, be it further enacted, That as soon as the said new Gaol and House of Correction respectively, and other Buildings and Premises, shall be completed, and before any Money shall be applied in Discharge of any such Mortgages as hereinafter directed, the said Commissioners, or any Five or more of them, shall

appoint a Meeting of the Commissioners, of which Ten Days Notice shall be given by the Clerk or Clerks to the Commissioners in some Newspaper circulating in the said Town and County, and to which Meeting all Mortgagees under this Act shall be admitted, and all the said Mortgages shall respectively then and there be drawn by Lot by Order of the Commissioners then present, and numbered according to the event of such Drawing, and the Mortgages so drawn and numbered shall be regularly discharged and paid off respectively in Succession, according to Priority of Numbers; and Two Calendar Months Notice shall be given by the Clerk or Clerks to the said Commissioners for the Time being, in some Newspaper circulating in the said Town and County, of all such Mortgages being so to be paid off.

Application of Monies.

L. And be it further enacted, That the Monies arising by the said yearly Rates and Assessments, and otherwise by virtue of this Act, shall from Time to Time be applied in Manner following; (that is to say,) a sufficient Part thereof shall in the first Place be applied in paying all Charges and Expences in and incident to and attending the obtaining and passing of this Act, and in the next Place in keeping down and paying the Interest on the said Principal Sums so to be borrowed on Mortgage as aforesaid, and in paying for the Purchase of the said Ground, Houses, or Buildings, Lands, Tenements, Hereditaments, and Premises so to be purchased as hereinbefore directed, and in discharging the Expences of erecting, fitting up, finishing, and furnishing of the said new Gaol and House of Correction respectively, and other Buildings as aforesaid; and the Surplus shall be applied for the gradual Discharge of the Principal Sums to be borrowed as aforesaid, and the Interest thereof.

Not less than One-fourteenth of the Sum raised by Mortgage to be paid off Annually.

LI. Provided always, and be it further enacted, That from and after the completion and furnishing of the said new Gaol, new House of Correction, and other Buildings to be erected by virtue of this Act, there shall not be less paid off and discharged in any One Year than One Fourteenth Part of the whole Sum raised by Mortgage as aforesaid; and upon such Payment or Discharge the original Mortgages, and Assignments of the same respectively, shall be given up by the Parties holding the same to the Treasurer or Treasurers for the Time being under this Act, who shall cancel the same; and the same respectively, when so cancelled, shall be good and sufficient Discharges to such Treasurer or Treasurers, and on passing his or their Account or Accounts shall be produced by him or them, and allowed as Vouchers for the several and respective Payments made by him or them in respect thereof.

When the Powers of the Commissioners are to cease.

LII. And be it further enacted, That when and so soon as the Trusts, Powers, Intents, and Purposes of this Act, so far as relates to the purchasing Premises for the Erection of the said new Gaol, and new House of Correction and other Buildings, and the erecting, completing, and furnishing the same, and the raising or borrowing Money, and paying off and discharging the same in Manner aforesaid, shall be fully completed and fulfilled, then and from thenceforth all and every the Trusts, Powers, Offices, and Authorities herein-before by this Act given to or vested in the said Commissioners shall absolutely cease and determine.

Inhabitants, &c. to be competent Witnesses.

LIII. And be it further enacted and declared, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to

to or concerning the Execution of this Act, or any Rule, Order, or Regulation made in pursuance thereof, no Inhabitant of the said Town and County, and Liberties thereof, nor any other Person whatsoever, shall be deemed an incompetent Witness by reason of being such Inhabitant, or by reason of being a free Burgess of the said Town and County, or of having been rated by virtue or for the Purposes of this Act.

No Process, &c. void for Informality.

LIV. And be it further enacted, That no Precept, Verdict, Judgment, Rule, Order, Regulation, or other Proceeding, Matter, or Thing to be had or made in pursuance of this Act, nor any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or against any Rule, Order, or Regulation to be made in pursuance thereof, nor any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, or of any such Rule, Order, or Regulation, shall be made void or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Recovery and Application of Penalties.

LV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and Recovery whereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One of the Justices of the Peace for the said Town and County, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of and previous to such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be (if not directed to be otherwise applied by this Act) paid and applied towards the Purposes of this Act; and in case such Penalties or Forfeitures shall not forthwith be paid upon Conviction, then it shall be lawful for such Justice, and he is hereby authorized and required to order the Offender or Offenders so convicted, to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LVI. Provided

Appeal may be made to the Quarter Sessions.

LVI. Provided always, and be it further enacted, That any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whomsoever, thinking himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, to be made under or by virtue of this Act, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may within Six Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said Town and County, the Person or Persons, Body or Bodies Politic, Corporate or Collegiate appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance, before some Justice of the Peace for the said Town and County, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said Town and County, and if they see cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rate or Rates, Assessment or Assessments, or Judgment and Determination of the said Justice or Justices, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Justices may relieve from Rates without quashing the whole.

LVII. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them, to be made by virtue of this Act, the Justices at the General Quarter Sessions to be holden for the said Town and County, or at any Adjournment thereof, shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon Appeal from the whole Rates or Assessments it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for such Justice to order a new Rate or Assessment to be made in Manner herein directed.

Limitation of Actions.

LVIII. 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 Three 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 where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his or their Election, plead 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

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 and laid in any other County or Place 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 non-suited, or if upon Demurrer Judgment 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.

Public Act.

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

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