ANNO QUINQU AGESIMO QUINTO

GEORGII III. REGIS.

Cap. xlv.

An Act to enable the Juſtices of the Peace for the County of *Surrey* to provide a proper Place for the depoſiting and preſerving the Public Records of the ſaid County, together with a Reſidence for the Clerk of the Peace, for the ſafe Cuſtody of ſuch Records, and convenient Offices for tranſacting his Buſineſs; and alſo to ſettle a Table of Fees to be taken by ſuch Clerk of the Peace.

[12th *May* 1815.]

WHEREAS the Rolls and other Public Records of the County of *Surrey* are become very voluminous, not only from the Increaſe of Buſineſs of the Court of Quarter Seſſion, but from the Office of the Clerk of the Peace having become, under the Proviſions of ſeveral Acts of Parliament and the Standing Orders of the Houſe of Commons, the Depoſitory of a great Variety of Public Documents: And whereas the Conſequences of the Deſtruction of the Public Records of the ſaid County would expoſe the County at large, and alſo Pariſhes and Individuals, to the greateſt Injury, by the Deſtruction of Evidence affecting their Rights, Intereſts and Eſtates: And whereas at the General Quarter Seſſion of the Peace holden in and for the County of *Surrey*, the Juſtices of the Peace then and there aſſembled did deem it expedient to provide a proper Place for depoſiting and preſerving the Public Records of the ſaid County, together with a Reſidence for the Clerk of the Peace, for the ſafe

Cuſtody, and more eaſy Acceſs to ſuch Records, and convenient Offices for tranſacting his Buſineſs: And whereas it is neceſſary for the effecting of theſe Purpoſes that the Juſtices of the Peace for the ſaid County ſhould be enabled to purchaſe a Houſe or Houſes, or Piece or Parcel of Land, and to erect on ſuch Piece or Parcel of Land a Record Room, and Reſidence for the Clerk of the Peace, for the ſafe Cuſtody of the ſaid Records, together with neceſſary Offices for tranſacting the Buſineſs of ſuch Clerk of the Peace: 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,

Juſtices of the Peace at Quarter Seſſions may order the providing a Place for depoſiting Records, and a Houſe for the Clerk of the Peace.

That from and after the paſſing of this Act, it ſhall and may be lawful to and for the Juſtices of the Peace for the ſaid County of *Surrey*, at the General Quarter Seſſion of the Peace, to contract and agree, or by the Order of ſuch General Quarter Seſſion, to authorize any Three Juſtices of the Peace to contract and agree with any Perſon or Perſons, Body Politic or Corporate, for the Purchaſe of any Houſe or Houſes, Piece or Parcel of Land within the ſaid County, and to erect and build thereupon a Record Room, Reſidence and Offices for the Clerk of the Peace, or to enlarge, alter, fit up and repair any ſuch Building or Buildings, and by the Order of ſuch General Quarter Seſſion to direct the Removal of the Records of the ſaid County to ſuch Building or Buildings, at ſuch Time as the ſaid Juſtices ſhall think proper; and the Coſts and Charges of ſuch Contracts and Purchaſes, and alſo of ſuch Erections and Buildings, and of the enlarging, altering and fitting up thereof reſpectively, and of any future enlarging, altering, or repairing thereof reſpectively, when the ſame ſhall appear to the ſaid Juſtices, from Time to Time aſſembled as aforeſaid, to be neceſſary, ſhall and may be defrayed out of the Rates to be raiſed upon the ſaid County.

Juſtices empowered to purchaſe the whole of the Premiſes and to ſell Part thereof.

II. And be it further enacted, That if in any Caſe the Owner or Owners of any Houſes, Meſſuages, Tenements, Lands, Grounds, or Hereditaments, Part only of which Premiſes ſhall at any Time be required by the ſaid Juſtices to be applied for the Purpoſes of this Act, ſhall be unwilling to ſell or diſpoſe of ſuch Part only of the Houſes, Lands, Grounds or Hereditaments belonging to the ſaid Owner or Owners, as ſhall be required by the ſaid Juſtices, it ſhall and may be lawful to and for the ſaid Juſtices to purchaſe of and from the ſaid Owner or Owners the Whole of the Houſes, Lands, Grounds or Hereditaments of the ſaid Owner or Owners, and to apply ſo much or ſuch Part thereof as they ſhall ſee fit to the Purpoſes of this Act, and to ſell the remaining Part of ſuch Premiſes, and to apply the Produce thereof to the Purpoſes of this Act, or to pay the ſame to the Treaſurer of the ſaid County, to be added to the Rates thereof, and applied as Part thereof.

Clerks of the Peace by order of Juſtices may ſell or demiſe.

III. And be it further enacted, That in all Caſes of Sales to be made purſuant to the Proviſion laſtly herein-before contained, it ſhall and may be lawful for the Clerk of the Peace for the Time being of the ſaid County purſuant and in obedience to any Order for that Purpoſe of the Juſtices thereof, aſſembled at any previous General Quarter Seſſion, by Deed or Deeds to be ſealed and delivered by ſuch Clerk of the Peace, to grant, bargain, and ſell the Hereditaments concerning which ſuch Order ſhall be made as aforeſaid, in Fee, as ſhall be expreſſed in ſuch Order, and for ſuch Security as ſhall be therein expreſſed; and the Receipt of the Treaſurer

Treaſurer for the Time being of the ſaid County ſhall effectually diſcharge the Purchaſer or Purchaſers of ſuch Hereditaments reſpectively, from ſo much of the Purchaſe Monies payable by him, her or them reſpectively, purſuant to any ſuch Order of Seſſion, as ſhall in every ſuch Receipt be acknowledged or expreſſed to be received; and ſuch Purchaſer or Purchaſers ſhall not afterwards be anſwerable or accountable for any Loſs, Miſapplication or Non-application, of ſuch Monies, or any Parts thereof reſpectively.

Clerk of the Peace to reſide.

IV. Provided always, and be it further enacted, That in caſe any Houſe ſhall be purchaſed or erected under the Proviſions of this Act, as a Reſidence for the Clerk of the Peace, ſuch Clerk of the Peace, or his Deputy, ſhall reſide in ſuch Houſe, to take care of and preſerve the Records of the ſaid County, and to exhibit the ſame to ſuch Perſons as may have occaſion to ſearch the ſame; and ſuch Clerk of the Peace, or his Deputy, ſhall not abſent himſelf from ſuch Reſidence for more than Eighty-four Days in any One Year, over and above ſuch Days as ſuch Clerk of the Peace, or his Deputy, ſhall be attending the Quarter Seſſion of the ſaid County, or ſhall be otherwiſe employed in the Execution of his ſaid Office, without a ſufficient Cauſe to be allowed by the ſaid Juſtices aſſembled in Quarter Seſſion.

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

V. And be it further enacted, That the Juſtices of the Peace of the ſaid County of *Surrey* for the Time being ſhall and may ſue and be ſued in any Court or Courts of Law or Equity, for or in reſpect of any Claim, Contract, or other Matter or Thing made or done, or to be made or done by them or any of them, under the Authority of this Act, or for or in reſpect of or concerning any Nuiſance, Encroachment, or Treſpaſs made, done, or committed, or hereafter to be had, made, done or committed by any Perſon or Perſons whomſoever, in or upon the Houſes, Lands, Buildings or Hereditaments, to be purchaſed purſuant to the Directions of this Act, or in or upon any Part or Parts thereof reſpectively, in the Name of the Clerk of the Peace of the ſaid County for the Time being; and in commencing, proſecuting, carrying on and defending any ſuch Suits or Actions, the ſaid Houſes, Buildings, and Hereditaments ſhall be deemed and conſidered in Law to be, and ſhall be deſcribed to be in the Poſſeſſion of the ſaid Juſtices for the Time being, to all Intents and Purpoſes whatſoever; and no ſuch Action or Suit to be brought or commenced by or againſt the ſaid Juſtices, or any of them, by virtue of this Act, in the Name of the ſaid Clerk of the Peace, or his Deputy for the Time being, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk of the Peace or his Deputy or for any Act of the ſaid Clerk of the Peace or his Deputy for the Time being, done or omitted to be done, without the Conſent of the ſaid Juſtices of the Peace for the Time being; but that ſuch Clerk of the Peace, or his Deputy for the Time being, ſhall always be deemed the Plaintiff or Defendant in all ſuch Suits or Actions (as the Caſe may be); and that in all and every ſuch Action and Suit, Actions and Suits, to be brought and commenced as aforeſaid, no Perſon or Perſons whomſoever ſhall be deemed incompetent to give Evidence by reaſon of his, her or their paying or contributing to pay, or being liable to pay or contribute, towards the Public Stock of the ſaid County, or by reaſon of his, her, or their being charged with or liable to pay any of the Rates within the ſame County:

Provided

Provided always, that every ſuch Clerk of the Peace, or his Deputy for the Time being ſhall from Time to Time forthwith, by Order of the ſaid Juſtices, or the major Part of them in Seſſion aſſembled, be reimburſed and paid by the Treaſurer of the ſaid County, out of the Stock and Money to be raiſed by the Rates of the ſame County, the full Coſts, Damages and Expences *bonâ fide* expended or incurred for or by reaſon of his being made a Plaintiff or Defendant as aforeſaid.

Regulating the Mode of raiſing the Money to pay the Expences under the Powers of the Act.

VI. And whereas the Expences of purchaſing the ſaid Piece or Parcel of Land and Houſes, and of building the ſaid Record Room, Reſidence, and Offices, purſuant to this Act, may become very burthenſome to the Occupiers of Land, and other the Contributors to the Rates of the ſaid County, in caſe the ſaid Expences ſhould be raiſed in the Manner hereinbefore mentioned; be it therefore enacted, That where it ſhall appear that the Amount of any Eſtimate approved by the Juſtices aſſembled at any General Quarter Seſſion, for the purchaſing, building, and fitting up any Houſe or Buildings, under the Powers of this Act, ſhall exceed One Half of the Amount of the ordinary Annual Aſſeſſment for the County Rate for the ſaid County, (ſuch ordinary Aſſeſſment to be taken on a mean Proportion of the ſaid Rate for the laſt Three Years preceding), that then and in ſuch Caſe it ſhall and may be lawful for the Juſtices of the Peace of the ſaid County, ſo aſſembled in their Quarter Seſſion as aforeſaid, if they ſhall think fit, from Time to Time to borrow and take up on Mortgage of the Rates herein mentioned, by Inſtruments in the Form contained in the Schedule hereunto annexed, or to that or the like Effect, any Sums, not leſs than One hundred Pounds each, at legal or lower Intereſt, as to them or the major Part of them, (ſuch major Part not being leſs than Five) ſhall appear neceſſary and expedient for the Purpoſes aforeſaid; and to ſecure all and every ſuch Sum and Sums of Money ſo borrowed upon the Credit of the Rates to be raiſed upon the ſaid County; and the ſaid Juſtices ſo aſſembled as aforeſaid, are hereby authorized to treat and agree with any Perſon or Perſons for the Loan of any ſuch Sum or Sums of Money, and by their Order to confirm and eſtabliſh every ſuch Agreement as aforeſaid; and every ſuch Agreement ſo eſtabliſhed by ſuch Order, and ſigned by the Chairman, and Two or more Juſtices preſent at the Time of making ſuch Order, ſhall be and the ſame is hereby declared to be effectual for ſecuring to the Perſon or Perſons ſo advancing any Sum or Sums of Money, his, her or their Executors, Adminiſtrators and Aſſigns, all and every ſuch Sum or Sums of Money, with Intereſt for the ſame, on ſuch Terms as in and by ſuch Agreement or Agreements reſpectively ſhall be for that Purpoſe ſtipulated; and Copies or Extracts of all ſuch Agreements or Securities ſhall be kept with the Clerk of the Peace of the ſaid County; and all and every Perſon and Perſons to whom any ſuch Security or Securities ſhall be made, or who ſhall be entitled to the Money thereby ſecured, is and are hereby empowered (by indorſing his, her, or their Name or Names on the Back of ſuch Security or Securities) to transfer and aſſign the ſame, and his, her, or their Right to the Principal Money and Intereſt thereby ſecured, unto any Perſon or Perſons; and every ſuch Aſſignee may in like Manner transfer the ſame again, and ſo *toties quoties*; and the Perſon or Perſons to whom ſuch Security or Securities or any ſuch Aſſignment thereof ſhall be made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be Creditors upon the ſaid Rates in an equal Degree one with another, and ſhall not have any Preference with reſpect to the Priority of any

any Monies so advanced; subject and without Prejudice nevertheless to any Security or Securities which may have been made or granted of or upon such Rates, under the Authority of any Act or Acts of Parliament passed previous to the passing of this Act.

Accounts of Monies, &c. to be kept.

VII. And be it further enacted, That the said Justices shall and they are hereby authorized and required, not only to charge the Rates to be raised upon the said County of *Surrey*, with the Interest of the Money so borrowed on such Securities, but also with the Payment of a further Sum, equal to the Interest of the Principal Sum so charged; which said Sums shall be assessed on the said County in such Manner as County Rates are directed to be assessed by the Laws now in being, and paid and applied under the Direction of the said Justices, in Discharge of the Interest, and of so many of the Principal Sums on the said Securities, as such Money will extend to discharge in each Year until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the said Justices are required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall make Orders for Assessments, in due Time, so as to provide for the regular Payment thereof; and they are hereby required to direct the Treasurer of the Public Stock of the said County, for the Time being, to keep an exact and regular Account of the Receipts and Payments under the Authority of this Act, in a Book or Books, separate and apart from all other Accounts, and the same to settle and adjust in such Manner, that it may be easily seen what Interest is growing due, and what Principal Money has been discharged and what remains due; and the said Book or Books so adjusted and settled to deliver into Court at every General or Quarter Session to be held for the said County; and the said Justices are required at every such Sessions, carefully to inspect all such Accounts, and make Orders for carrying the several Purposes of this Act into Execution, in such Manner as to them shall seem meet; and if at any Time it shall appear to the said Justices that the said Treasurer has neglected the said Order, and has not duly and without Delay applied the Money in his Hands, to the Purposes hereby directed, such Treasurer shall forfeit Double the Amount of the Money which shall not have been applied to the Purposes of this Act, such Penalties to be added to the Stock or Rates of the said County, and to be sued for by the Clerk of the Peace of the said County for the Time being; and the said Justices so assembled in Session as aforesaid shall direct in what Order such Securities shall be discharged, by drawing Lots or otherwise as they shall think fit, first discharging all Securities which shall bear the highest Interest.

Limiting the Time for Payment of Money borrowed.

VIII. Provided always, and be it further enacted, That the said Justices of the Peace in their Quarter Session shall and they are hereby required to make Provisions by means of the Rates (which they are hereby authorized to make) and by their Orders and Directions (which they are hereby authorized to give) in such Manner that the whole Money to be borrowed under the Authority of this Act shall be fully paid and discharged within a Time to be limited, not exceeding Ten Years from the Time of borrowing the same.

Preventing Justices being concerned in

IX. Provided always, and be it further enacted, That no Justice of the Peace, who shall, under the Authority of this Act, do any Matter or

Contracts, &c.

or Thing in the Execution hereof, ſhall be capable of having any beneficial Intereſt or Concern whatſoever either in his own Name or in the Name of any other Perſon in Truſt for him, in any Contract or Agreement to be made under the Authority of this Act, or ſhall for any Deſign or Plan he may deliver or produce, receive any Benefit or Emolument whatſoever.

Recovery of Penalties.

X. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act impoſed, ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Privilege, Protection, Wager of Law, or more than One Imparlance ſhall be allowed; and the Money ariſing by all ſuch Fines, Penalties, and Forfeitures ſhall belong to the ſaid Treaſurer of the ſaid County, and ſhall be added to and be deemed and applied as Part of the Rates or Stock thereof for the Year wherein the ſame ſhall be recovered or levied.

Limitation of Actions.

XI. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Three Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then and in ſuch Caſe the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in any other Caſes by Law.

Settling Fees of Clerks of the Peace.

XII. And whereas Doubts have ariſen whether Juſtices of the Peace, in their reſpective Quarter Seſſions, have Authority to ſettle, alter, or vary the Fees of the Clerks of the Peace of their reſpective Counties, as they are empowered to do with reſpect to the Fees of the Clerks of Juſtices of the Peace, by an Act paſſed in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for the ſettling and aſcertaining the Fees to be taken by Clerks to Juſtices of the Peace*; now, for the removing of ſuch Doubts, be it further enacted, That it ſhall and may be lawful to and for the Juſtices of the Peace of the ſaid County of *Surrey*, at their General Quarter Seſſion of the Peace, to make and ſettle a Table of Fees, to be taken by the Clerk of the Peace of the ſaid County for the Time being, in the like Manner as they are authorized to do with reſpect to the Fees to be taken by the Clerks to Juſtices of the Peace; and ſuch Fees, when made, ſhall be ſubject to the Approbation of the Juſtices of the Peace at the then next ſucceeding

Quarter Seſſion, and ſhall be laid before the Judges of Aſſize, to be by them ratified and confirmed in the like Manner as is required by the ſaid Act made in the Twenty-ſixth Year aforeſaid, with reſpect to the Table of Fees to be taken by the Clerks to Juſtices of the Peace; and all and every the Clauſes, Proviſions, Penalties and Forfeitures in the ſaid Act contained, ſhall be applied and extended to this preſent Act.

Payment of Expences of Act.

XIII. And be it further enacted, That the Coſts, Charges, and Expences incident to or attending the obtaining this Act, ſhall be paid out of the Public Stock of the ſaid County of *Surrey*.

Public Act.

XIV. 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.

The SCHEDULE herein-before referred to.

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

WE, of His Majeſty's Juſtices of the Peace, and Chairman of the Court of Quarter Seſſion for the County of *Surrey*, holden at the Day of other of His Majeſty's Juſtices of the Peace acting for the ſaid County, and aſſembled in the ſaid Court, in purſuance of the Powers to us given by an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] do hereby, in open Court, mortgage and charge all the Rates to be raiſed within the ſaid County, under the Deſcription of County Rates by the Laws now in being, with the Payment of the Sum of which of hath propoſed and agreed to lend, and hath now actually advanced and paid, towards defraying the Expences of purchaſing, building, &c. [*as the Caſe ſhall be*] the for the ſaid County, &c.; and we do hereby confirm and eſtabliſh the ſame unto the ſaid his Executors, Adminiſtrators, and Aſſigns, for ſecuring the Repayment of the ſaid Sum of and Intereſt for the ſame after the Rate of *per Centum per Annum*; and do order the Treaſurer for the ſaid County to pay the Intereſt of the ſaid Sum of Half yearly, as the ſame ſhall become due, until the Principal ſhall be diſcharged, purſuant to the Directions of the ſaid Act.

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