



ANNO QUADRAGESIMO PRIMO.

GEORGII III. REGIS.

Cap. 132.

An Act for completing the Common Gaol now building in and for the City of *Winchester*, and for purchasing certain Buildings within the said City for widening the Avenues thereto. [2d July 1801.]

WHEREAS the Common Gaol or Bridewell in and for the City of *Winchester* having become very ruinous from Length of Time, and inadequate to the Purposes for which it was intended, has lately been taken down, and a new and more commodious One in Part erected: And whereas several Houses or Buildings which are near to the said new Gaol or Bridewell, would, if suffered to remain, be a great publick Inconvenience, as well with Respect to the said Gaol or Bridewell, as to the Common Street or Way on which they bound: And whereas the Ordinary Funds or Property of the Corporation of the said City are not adequate to the raising a sufficient Sum of Money for the Completion of the said new Gaol or Bridewell, and the purchasing of the said Houses or Buildings, and the Grounds or Soil on which they stand, nor are the said Corporation invested with sufficient Powers for purchasing the same; may it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty,
[Loc. & Per.] 280 by

Commissioners appointed.

To meet in the Common Hall,

and to adjourn and meet again.

Notice to be given of the Time and Place of Meeting.

Books of Proceedings to be kept.

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, Aldermen, and Bailiffs for the Time being, of the City of *Winchester*, shall be and are hereby appointed Commissioners for putting this Act into Execution; and they or any Three of them shall and they are hereby empowered to meet in the Common Hall of the said City, within Three Calendar Months from the passing of this Act, for the Purpose of carrying the same into Execution, and afterwards to adjourn such Meeting, and from Time to Time, as often as such or any future Meeting shall be adjourned, to meet again and re-assemble at the Time and Place (so the same be within the Limits of the said City,) to which such or any future Meeting shall be adjourned; and, in case such or any future Meeting shall not be regularly adjourned, then, when, and as often (so the same be within the Space of Two Calendar Months from the Day on which the then last Meeting shall have been held), and at such Place (so the same be within the Limits of the said City) as to the Mayor of the said City for the Time being, and One other of the said Commissioners shall seem expedient.

II. Provided always, and be it further enacted, That Public Notice of the Time and Place when and where such future Meeting is to be or shall be held, shall be given in Writing and placed upon the Common Door, or most usual Place of Entrance, of, or into the said Common Hall of the said City at least Seven Days before any such future Meeting shall be held; and that at every Meeting to be held in pursuance of this Act, the said Commissioners shall defray their own Expences; and that no Act of the said Commissioners shall be valid (except that of Adjournment as aforesaid), unless made or done at some Publick Meeting to be held by virtue of this Act; and all Acts, Matters, and Things by this Act authorized, directed, mentioned, or expressed to be done and performed by the said Commissioners may be done or performed by the Majority of the said Commissioners present at their respective Meetings, the whole Number at any Meeting not being less than Three, and the same shall be as valid as if done or performed by all the said Commissioners; and that a Chairman shall be appointed at every such Meeting; and that whenever the Members upon any Question shall be equal (including the Chairman's Vote) he shall have the casting Vote.

III. Provided always, That no Order made by the said Commissioners at any of their Meetings shall be revoked or altered, except at some Meeting to be held for that Purpose of which Seven Days Notice shall be given expressing the Purpose of such Meeting; and also unless there be at least Three more Commissioners present than there were at the Meeting in which such Order was made, any Thing in this Act to the contrary notwithstanding.

IV. And be it further enacted, That regular Entries shall be made in a Book to be kept for that Purpose of the Names of the Commissioners who shall attend the respective Meetings, and of all their Acts, Orders, and Proceedings; and the said Commissioners shall subscribe their Names at the End of the Proceedings of the said Commissioners at every such Meeting;

ing; and all such Entries being so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Causes, Suits, and Actions, relating to any Thing done in pursuance of this Act; and that every such Book shall, at any of the Meetings of the said Commissioners, and at all other reasonable Times, be open to the Inspection of every Person to be rated or assessed for the Purposes of this Act without Fee or Reward.

V. And be it further enacted, That the said Commissioners shall from Time to Time appoint a Clerk and Treasurer, and such other Officers and Persons as they shall think necessary to employ in the Execution of this Act, and shall from Time to Time take such Security from every such Clerk, Treasurer, or Officer for the due Execution of their respective Offices, as the said Commissioners shall think proper; and that the said Commissioners may remove and displace any such Officer and Person from Time to Time whenever they shall think proper; and shall and may out of the Monies to be raised by virtue of this Act allow and pay to every such Clerk, Treasurer, Collector, and other Officer, or Person to be employed as aforesaid, or as hereinafter mentioned, such Salary or Allowance as they, the said Commissioners, shall think reasonable. Appointment
of Officers.

VI. And be it further enacted, That every Treasurer, Clerk, Collector, or other Person appointed, or to be appointed by virtue of this Act, shall from Time to Time, as often as thereunto required by any Three of the said Commissioners, render and give to the said Commissioners, or to such Person as they shall appoint, a true, fair, and particular Account in Writing, of all Monies which shall have been by him collected or received by virtue of this Act, and how, to whom, and on what Account any such Monies shall have been paid, together with the proper Receipts and Vouchers for such Payments, and shall pay all such Monies as, upon the Balance of such Accounts, shall appear to be in his Hands, to the said Commissioners, or to such Person, and at such Time as they shall direct and appoint; and every such Officer so accounting, shall, upon Oath, if required (which Oath the said Commissioners are hereby authorized to administer), verify his said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any such Officer shall refuse, or wilfully neglect to render and give such Account as aforesaid, or to produce and deliver up to the said Commissioners the Receipts and Vouchers relating to the same, or to verify the Items and Articles thereof upon Oath (if required), or to deliver up to the said Commissioners, or to such Person as they shall for that Purpose appoint, within Seven Days next after being thereunto required by Writing under the Hands of any Three or more of the said Commissioners (which Requisition shall be made once in every Year at least), all Books, Papers, and Writings, in his Custody or Power, relating to the Execution of his Office, or of this Act, or shall refuse or neglect to pay all such Monies as, upon the Balance of any such Account, shall appear to be in his Hands to the said Commissioners, or to such Person as they shall direct or appoint to receive the same, and Complaint shall be made thereof by the said Commissioners, or any Three of them, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the Place wherein such Officer shall be or reside, such Justice is hereby empowered Treasurer to
account.
to

to summon the Officer against whom such Complaint shall be made to appear before him at a Time and Place in such Summons to be mentioned; and upon his appearing or not appearing (the Service of such Summons being proved by the Oath of any credible Witness, which Oath such Justice is hereby empowered to administer) to hear and determine the Matter of such Complaint in a summary Way, and if upon the Confession of the Officer, against whom such Complaint shall be made, or by the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act, shall be due from such Officer, the said Justice may upon Non-payment thereof, within such reasonable Time as he may appoint by Warrant, made under his Hand and Seal, cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if sufficient Goods and Chattels of such Officer cannot be found to answer and satisfy such Money, and the Charges of levying and raising the same, or if such Officer shall not appear before the said Justice at the Time and Place by him to be appointed in such Summons, and if it shall, in Manner aforesaid, appear to such Justice, that such Officer shall have refused, or wilfully neglected to render and give such Account or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or to deliver up such Books, Papers, and Writings, as aforesaid, the said Justice is hereby authorized, by Warrant under his Hand and Seal, to cause such Officer to be committed to the Common Gaol of the said City of *Winchester*, there to remain without Bail or Mainprize, until he shall have delivered in his Account and verified the same as aforesaid, and shall have produced and delivered up the Receipts and Vouchers relating thereto, or delivered up such Books, Papers, and Writings, or given Satisfaction to the said Commissioners concerning the same, and have paid all Monies which shall appear to be in his Hands, and the Charges attending the Recovery thereof, or shall have compounded with the said Commissioners for the same (which Composition the said Commissioners are hereby empowered to make and receive); but no such Officer, who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Time than Six Calendar Months.

Commissioners enabled to purchase certain Houses.

VII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three of them, to contract for, with, and to purchase from the Owners or Proprietors thereof, or the Persons interested therein, the several Houses or Buildings hereafter particularly described, and all Interest in the Ground or Soil on which they severally stand, or which immediately surrounds or adjoins and appertains to them, or any of them, (where the Interest in such Ground or Soil is not already wholly in the Corporation of the said City of *Winchester*,) (that is to say,) a certain Messuage or Tenement, late in the Occupation of *Mistress Shaw*; a certain House or Messuage now in the Occupation of *Henry Houghton* Carpenter; two other Houses or Messuages (adjoining together), in the Occupation of *William Lockett* and his Wife, and *Sarah Matthews*, or their Undertenants; two other Messuages or Tenements, and a Workshop, in the Occupation of *William Hall* Carpenter; and one other House or Messuage in the Occupation of *William Hocroft* Shoemaker, with the Buildings

ings belonging to the said several Houses or Messuages; and also the Right, Estate, and Interest, both at Law and in Equity, of all and every Person and Persons whomsoever, (except such Right, Estate, or Interest, be already in the said Corporation of the said City of *Winchester* as aforesaid,) of, in, to, or out of the Ground and Soil on which the said several Messuages or Tenements now stand, or lately stood; all which Houses or Tenements are situate at the lower End of the *High Street*, within the said City, and on the South Side thereof; and it shall be lawful for all Corporations, aggregate or sole, Husbands, Guardians, Trustees, Committees, and other Persons, as well for and on behalf of themselves, their Heirs and Successors, as of any Feme Covert, Infants, Lunaticks, or Persons under any Disability or Incapacity, who are, or shall be seised, possessed of, or interested in any such Houses and other Buildings and Lands, to sell and convey to the said Commissioners all or any such Houses, and other Buildings and Lands, or their respective Interests therein, for the respective Purposes aforesaid at or for such Price or Satisfaction, by annual Payment, or Sum of Money in Gross, as shall be agreed upon between the said Commissioners and the Person or Persons seised, possessed of, or interested in any such Houses, or other Buildings or Lands; and all Contracts, Agreements, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law or other Matter to the contrary notwithstanding; and all such Corporations, Husbands, Guardians, Trustees, Committees, and other Persons, shall be, and are hereby indemnified for what they shall do by virtue or in pursuance of this Act: And the said Commissioners are hereby authorized and required to cause to be pulled down all and singular the said several Houses and Buildings, within the Space of Twelve Calendar Months from the passing of this Act, or as soon afterwards as conveniently may be, and to sell for the best Price that can reasonably be gotten for the same, the Materials of such Houses and other Buildings, and cause the same to be removed by the Person or Persons to whom the same shall be sold, within the Space of Six Months from the Time of the Sale thereof respectively; and immediately after such Removal, to cause the Ground on which the said several Houses and Buildings stood, together with that on which the late Gaol or Bridewell was erected, to be cleared, levelled, and laid open, and so to continue for ever.

Houses to be pulled down, and the Materials sold,

and the Scite laid open.

VIII. And be it further enacted, That if any Money shall be agreed to be paid for any Buildings, Lands, or Hereditaments purchased, taken, or used by virtue of this Act for the Purpose thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity, such Money shall 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 Purchaser or Purchasers of the Estate authorized to be sold by this present Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Rules and Orders of the said Court, and without Fee or Reward according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, to the Intent that such Money shall be applied by and with the Approbation of the said Court of *Chancery*, in the Purchase of other Lands or Hereditaments which shall be conveyed and settled

Purchase Money to be paid into the Bank.

ted to and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Buildings, Lands, and Hereditaments which shall be so purchased by the said Commissioners 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 mean Time, and until such Purchase shall be found, the Monies so paid into the Bank shall be laid out in the Purchase of Navy or Victualling Bills or Exchequer Bills, and the Interest arising from the said Money to be laid out in the said Navy or Victualling Bills or Exchequer Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant-General in the Purchase of other Navy or Victualling Bills or Exchequer Bills, all which said Navy or Victualling Bills or Exchequer Bills shall be deposited in the Bank, in the Name of the said Accountant-General, and shall there remain until a proper Purchaser or Purchasers shall be found and approved of as aforesaid, and until the same shall, upon a Petition to be preferred to the Court of *Chancery* in a summary Way, by or on the Behalf of the Person or Persons for the Time being, entitled to the Freehold or Inheritance of the Lands or Hereditaments so to be purchased, be ordered to be sold by the said Accountant-General for completing such Purchase or Purchases in such Manner as the said Court shall think just and direct; and if the Money arising by the Sale of such Navy, Victualling, or Exchequer Bills shall exceed the Amount of the Original Purchase Money so laid out as aforesaid, then and in that Case only, the Surplus which shall remain after discharging the Expence of the Applications to the Court, shall be paid to such Person or Persons respectively as would have been entitled to receive the Rents and Profits of the Lands intended to be purchased, in case the same had been purchased pursuant to this Act, or to the Representative of such Person or Persons.

What shall be deemed a sufficient Discharge for such Payment.

IX. And be it further enacted and declared, That the Certificate and Certificates of the said Accountant-General, together with the Receipt and Receipts of the Cashier of the Bank to be thereto annexed, and to be therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England*, by the said Commissioners of their Purchase Money, shall from Time to Time be, and be deemed and taken to be, a good and sufficient Discharge to them for so much of the said Purchase Money or Monies, for which such Certificate or Certificates, and Receipt or Receipts as aforesaid, shall be given; and after the giving of such Certificate or Certificates, and Receipt or Receipts of the said Commissioners, shall be absolutely acquitted and discharged of and from the same Monies, and shall not be answerable for any Loss, Misapplication, or Non-application thereof, or of any Part thereof.

How the Money to arise by the Act shall be applied. Commissioners to raise

X. And be it further enacted, That the Money to arise under and by virtue of this act, shall, as soon as the same shall from Time to Time be received by the Commissioners appointed by this Act, be applied by them, in the first Place, towards the paying and discharging the Expences of obtaining and passing this Act; and after the same shall be discharged in completing the said Gaol or Bridewell now erecting, and for other the Purposes in

in this Act mentioned; and that it shall be lawful for the Commissioners Money by a Pound Rate. appointed by this Act, or for any Three of them, to raise and levy for the Purposes of this Act, by an equal Pound Rate on the several Occupiers of Dwelling Houses, and other Premises within the said City, who are rateable under and by virtue of the Act of the Eleventh Year of His said present Majesty, intituled, *An Act for the better paving, repairing, cleansing, lighting, and watching the Streets and other Passages within the City of Winchester and its Suburbs, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious*, any annual Sum of Money as shall not exceed the Sum of Two hundred and ten Pounds in any One Year, until the Expences attending the Completion of the said New Gaol or Bridewell, and the Purchase of the said several Houses and other Buildings, and the other Purposes of this Act shall be fully satisfied, and so that the Money so from Time to Time to be raised, exclusive of the Interest shall not exceed in the Whole, and when added together (computing from the passing of this Act until the raising or levying such Money shall actually cease) the Sum of Three Thousand Pounds.

XI. And be it further enacted, That when the Amount of the Sum so to be raised for the present or any future Current Year, shall be ascertained and fixed, and rated, and assessed, on the several Persons chargeable by the Commissioners appointed by this Act, the Commissioners so ascertaining and fixing, rating and assessing the same shall forthwith give Notice in Writing, under their respective Hands, to the Person or Persons to be appointed by the said Commissioners as a Collector or Collectors of the same Rates as aforesaid, commanding and requiring him or them to levy and collect the said Annual Sum so ascertained, rated, and assessed, and to be raised by virtue of this Act, and to pay the same over as soon as collected to the Person or Persons who shall be authorized by the said Commissioners as hereinbefore mentioned, to receive the same for the Purposes of this Act; and such Person or Persons so to be appointed Collector or Collectors as aforesaid, is and are hereby authorized, empowered, and required to collect and levy the said Annual Sum to be raised by this Act, and to pay over the same unto the Person or Persons so as aforesaid authorized to receive the same, whose Receipt shall be, and is hereby declared to be, a sufficient Discharge to him or them for the same; and such Person and Persons so collecting and levying the said Annual Sum shall have, by virtue of this Act, the same Powers and Authorities for collecting the same, and have the same Remedies for Recovery thereof to all Intents and Purposes whatsoever, as are given by and under the said Act of the Eleventh Year of His said Majesty, for the collecting, levying, and recovering the Sums to be raised under that Act, and shall receive from the said Commissioners appointed by this Act, such Compensation, Salary, or Reward, for collecting and levying the same as to such Commissioners, or any Three of them, shall seem reasonable.

XII. Provided always, That no Money to be raised by virtue of this Act shall be paid or given to, or be retained by or for the Use of the said Corporation of the said City of *Winchester*, for or as a Compensation or Consideration for the Ground or Soil on which any of the Houses or other Buildings Corporation of Winchester not to be allowed for the Scite of the Buildings

purchased
Houses.

Buildings to be purchased under this Act now stand, or lately stood, or which surrounds or adjoins to them, or any of them; but the said Ground or Soil shall for ever hereafter be vested in the Commissioners appointed by this Act for the Purposes aforesaid.

Power to
raise Money
to cease on
the Purposes
of this Act
being satisfi-
ed.

XIII. Provided also, That in case the Expences attending the Completion of the said Gaol or Bridewell, and the purchasing the said Houses and Buildings, and the Soil of or belonging to the same, some, or one of them, and the other Purposes of this Act, shall be fully satisfied by any Donation, or by any other Means than are provided by this Act, all and every the Powers and Authorities hereinbefore given for raising, levying, rating, assessing, and collecting any Monies for the Purposes aforesaid, shall absolutely and utterly cease to all Intents and Purposes whatsoever, saving only as to what shall then be actually due and in arrear.

Commission-
ers may bor-
row Money.

XIV. And be it further enacted, That the said Commissioners appointed by this Act, or any Three of them, at any Meeting to be held as aforesaid, may, and they are hereby empowered to borrow and take up at Interest, in separate and specific Sums of Fifty Pounds each, any Sum or Sums of Money, not exceeding in the Whole the Sum of Three Thousand Pounds, upon the Credit of the Rates and Assessments to be made under this Act for the Purposes aforesaid, and to mortgage or charge the same, or any Part or Parts thereof, and the Powers given by this Act for collecting and recovering the same, by any Writing or Writings under their Hands and Seals; the Expence of such Mortgages or Charges to be paid out of such Rates and Assessments respectively, to any Person or Persons that shall advance or lend their Monies thereon, as a Security or Securities for the several Sums that shall be borrowed, and the Interest thereof as aforesaid; and Copies of all such Mortgages or Charges shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Commissioners; and all and every Person or Persons to whom any such Mortgage or Charge shall be made as aforesaid, is, and are hereby empowered from Time to Time, by Assignment under his, or their Hand or Hands, and attested by two credible Witnesses, to be indorsed on the Back of his, her, or their Securities, or by any other Writings under his or their Hand or Hands, Seal or Seals, which shall be executed in the Presence of two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer, within Twenty-one Days after the Date thereof, who shall cause an Entry to be made of such Assignment, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred in the said Book or Books to be kept for entering the said original Mortgages or Charges; and which said Book or Books shall and may, at all reasonable Times, be perused and inspected by all Persons interested, without Fee or Reward; and after such Entry made, (but not before,) such Assignment or Transfer, shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof; and such Assignee may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made such

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Assignment

Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

XV. Provided always, and be it enacted, That after the First Meeting to be held as aforesaid, no Money shall be borrowed upon the Credit of this Act, unless Seven Days' Notice under the Hand of the Clerk to the said Commissioners, shall be given in some Public Newspaper circulated in the said City, and also fixed on the Doors of the Common Hall in and for the said City, specifying the Time and Place of the Meeting of the said Commissioners for that Purpose, and the Sum and Sums of Money to be from Time to Time borrowed thereon.

Notice to be given of borrowing Money.

XVI. And be it further enacted, That the Sums so to be taken up at Interest as aforesaid, shall be taken up and charged by Instruments of the following Form; (that is to say,)

Form of Mortgage.

‘ BY virtue of an Act of Parliament made and passed in the Forty-first Year of the Reign of King George the Third, intituled (*Here set forth the Title of the Act*), We, _____ of the Commissioners appointed by the said Act, do, in Consideration of the Sum of _____ advanced and paid by *A. B.* to *C. D.* the Treasurer appointed in pursuance of the said Act, upon the Credit and for the Purposes of the said Act, hereby mortgage and charge all Rates and Assessments arising by virtue of the said Act, with the Re-payment of the said Sum of _____ with Interest for the same after the Rate of _____ *per Centum per Annum*, unto the said *A. B.* his, or her Executors, Administrators, or Assigns, and to order the said Treasurer, or his Successors for the Time being, to pay out of the Monies, to arise by this Act, the said Interest Half Yearly, as the same shall become due, until the said Principal Sum shall be discharged. Given under our Hands and Seals, this _____ Day of _____ in the Year of our Lord _____

And that every Assignment of such Mortgage or Charge may be in the Form following, that is to say,

‘ I (*or we*) *A. B.* do assign the within Security and all my (*or our*) Right and Interest to and in the same, and all Benefit thereof unto *C. D.* his (*or her*) Executors, Administrators, and Assigns: Witness my Hand (*or our Hands*) this _____ Day of _____
Witness _____

And every such Mortgage and Assignment shall be good, valid, and effectual.

XVII. And be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect to the Priority of advancing such Sum or Sums, but that all Persons, to whom any Mortgages, or Charges, or Assignments shall be made as aforesaid, shall, in Proportion to the Sum or Number of Sums advanced by them, be Creditors in equal Degree one with another.

No Priority of Creditors.

XVIII. And be it further enacted, That when and so often as the Monies to be raised by virtue of this Act shall amount to the Sum of Fifty Pounds, over and above what shall be necessary to pay the growing Interest of the

For paying off Mortgages according to Ballot.

Principal Money to be borrowed as aforesaid, and after the several Payments shall have been satisfied which are hereinbefore directed to be made, the said Commissioners, or any Three of them, shall cause the Number of all the Mortgages or Charges and Assignments thereof to be granted or made as aforesaid and then in force, to be written on distinct Pieces of Paper of an equal Size, and all such Pieces of Paper to be rolled up in the same Manner, or as near as may be, and put into a Box or Glass, and one Number of the said Mortgages, Charges, or Assignments to be drawn out by the Clerk for the Time being to the said Commissioners in the Presence of Three of the said Commissioners; and the Mortgage, Charge, or Assignment, the Number of which shall be so drawn, shall be paid out of the said Overplus or remaining Monies, as hereafter mentioned, and so on from Time to Time until all the said Mortgages or Charges shall be paid off; and after any Ballot shall be had as aforesaid the said Commissioners, in whose Presence such Ballot shall have been made, shall cause a Notice, signed by their Clerk, to be given to, or left at the usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, or if more than one Person shall be so entitled to any One such Mortgage, or Charge, or Assignment thereof, then to or left at the usual Place of Abode of any One of such Persons, expressing the Sum to be paid, together with the Interest due thereon, and the Place where the same shall be paid, and the Time when such Payment shall be made, so as such Time be not less than Three Calendar Months from the Delivery of such Notice.

Interest to
cease after
Notice given
to Persons
entitled.

XIX. And it is hereby enacted, That the Interest of the Principal Money so to be paid off, shall, from and after the End of the said Three Calendar Months, cease and be no longer payable, unless such Principal Money shall be demanded pursuant to such Notice and not paid; but the Principal Money, in respect whereof such Notice shall be so given, and also the Interest to the End of the said Three Calendar Months, shall nevertheless be payable on Demand.

Ground vest-
ed in the
Commission-
ers.

XX. And be it further enacted, That the Ground or Soil on which the said Common Gaol or Bridewell is now erecting, or on which the same now stands, shall from the passing of this Act be, and the same is hereby declared to be absolutely vested in the Commissioners appointed by this Act for the Purposes of this Act for ever.

Appeal.

XXI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or she having first paid the said Rate or Assessment, may appeal to the said Commissioners at their next Meeting, to be holden after the Payment of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any such Person shall be dissatisfied with the Determination of the said Commissioners therein, or if any Person shall think himself or herself aggrieved by any other Matter or Thing to be done in pursuance of this Act, every such Person may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the City of Winchester, within

within Three Months next, after the Cause of Complaint shall have arisen, such Appellant first giving Fourteen Days' Notice at the least in Writing, of his or her Intention to make such Appeal, and of the Matter thereof to the Clerk to the said Commissioners, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for the said City, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination thereon shall be final, binding, and conclusive to all Parties to all Intents and Purposes.

XXII. And be it further enacted, That no Rate or Assessment, or any Proceeding to be had touching any Order made, or other Matter or Thing to be done or transacted in, or relating to any Complaint or Appeal, or any Order or Determination thereon in pursuance of this Act, shall be quashed or vacated for want of Form only, or be removed or removeable into any of His Majesty's Courts of Record by *Certiorari*, or any other Writ or Process whatsoever, any Law, Statute, or Usage, to the contrary notwithstanding.

Rates or Proceedings not to be quashed for Want of Form, or removed by *Certiorari*.

XXIII. Provided always and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, made or committed in Execution of this Act, if sufficient Tender of Amends shall be made by or on behalf of the Party or Parties, who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Order, and Judgment, shall be had, made, or given, by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff shall not recover after Tender of sufficient Amends.

XXIV. And be it further enacted, That where any Distress shall be made for Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

Distress not unlawful for Want of Form.

XXV. And be it further enacted, That whenever any Action or Suit shall be brought or commenced by, or by the Order of the said Commissioners against any Person or Persons by virtue or in Pursuance of this Act, the same may be brought in the Name of the Clerk or Treasurer for the Time being to the said Commissioners, and no such Action or Suit shall abate or be

Actions to be brought in the Name of the Clerk.

be discontinued by the Death or Removal of the Person in whose Name the same shall be brought, or by any Act to be done by him without the Consent of the said Commissioners; but no such Treasurer or Clerk shall be subject to the Payment of any Costs or Expences in respect thereof, but the same shall be defrayed and paid out of the Money to arise by virtue of this Act.

Application
of Compen-
sation where
exceeding
Two hun-
dred Pounds.

XXVI. And be it further enacted, That, if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, by virtue of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity; such Money shall, in case the same shall amount to 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 executing this Act, 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 Lands or Hereditaments, in the Purchase or Redemption 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 Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands 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 Lands 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 mean Time, and until such Purchase shall be made, the said Money shall, by Order of the 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 mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
where the
Compen-
sation does not
exceed Twen-
ty Pounds,
nor less than
Two hun-
dred Pounds.

XXVII. Provided always, and be it further enacted, That, if any Money, so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity, as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall

(at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands 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, 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) to Two Commissioners, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money, and the Dividends arising thereon, may be applied in any Manner herein before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

XXVIII. 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 Lands or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Commissioners or any Three or more of them, shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where the Sum be less than 20/.

XXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act until Twenty-one Days' Notice thereof shall be given to the Clerk to the said Commissioners, or after such sufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Three Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County of *Southampton* and not elsewhere; and the Defendant in every 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 thereupon, and that the same was done in pursuance and by the Authority of this Act, and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days' Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time herein before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant, and upon such Verdict, or if the Plaintiff shall become non-suited, or discontinue his or her Action or Suit after the Defendant shall appear, or if upon Demurrer Judgement shall be given against the Plaintiff, then the Defendant shall recover treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases of Law.

Limitation of Actions.

Publick Act. XXX. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.

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