



ANNO DECIMO

# GEORGH IV. REGIS.

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## *Cap. cv.*

An Act for vesting the Appointment to the Office of Bailiff or Verger of the Town and Port of *Sandwich* in the Mayor and Jurats of the said Town and Port; and for transferring the Common Gaol to the said Mayor and Jurats; and for the building and maintaining a new Gaol for the said Town and Port and its Liberties.

[1st June 1829.]

**W**HEREAS the Office of Bailiff and Verger of the Town and Port of *Sandwich* in the County of *Kent* is an ancient Office in the Appointment of His Majesty; and such Bailiff and Verger by virtue of his Office hath usually enjoyed the Rents and Profits of certain Lands situate in the several Parishes of *Saint Clement* and *Saint Peter the Apostle* within the said Town and Port, and is also entitled unto and enjoys certain Fees, Pérquisites, and Emoluments by virtue of his Office; and such Bailiff and Verger has the keeping of the Common Gaol of the said Town and Port and its Liberties, and in respect of the Profits of his Office maintains the same; and his Deputy or Serjeant, usually called White Rod or Catchpoll, is the Gaoler or Keeper of the said Gaol, and resides in the Gaoler's House, which is Part of or adjoining to the said present

[*Local.*]

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Gaol,



Gaol, and is also entitled unto and enjoys certain Fees, Perquisites, and Emoluments: And whereas the said Gaol of the said Town and Port is very small and inconvenient, and in a very dilapidated State, and the Profits of the said Office of Bailiff and Verger of the said Town and Port are insufficient for providing and maintaining a proper Common Gaol for the said Town and Port and its Liberties: And whereas it will be for the Benefit and Advantage of the said Town and Port and its Liberties, and the Inhabitants thereof, that the Appointment of Bailiff and Verger of the said Town and Port should be transferred to the Mayor and Jurats of the said Town and Port, who are His Majesty's Justices of the Peace of the said Town and Port and its Liberties, and that the present Gaol of the said Town and Port and its Liberties, with the Gaoler's House, and the Lands belonging to the said Office of Bailiff and Verger, or which have been enjoyed by the said Bailiff and Verger, and the present House of Correction of the said Town and Port and its Liberties, should be vested in the said Mayor and Jurats, with Power to them to erect a new Gaol and House of Correction for the said Town and Port and its Liberties, with all requisite Conveniences, on a new Site, and to sell and dispose of the present Gaol of the said Town and Port and its Liberties, with the Gaoler's House, and the said Lands belonging to the said Office of Bailiff and Verger, and the said present House of Correction, or which have been enjoyed by the said Bailiff and Verger, and to raise such further Sum or Sums of Money as shall be necessary for building and completing such new Gaol and House of Correction, and for maintaining the same afterwards, by and out of the public Rates, Stock, and Funds to be raised for the said Town and Port and its Liberties, or by borrowing Money on the Credit thereof, and otherwise as herein-after mentioned, and that the Bailiff and Verger of the said Town and Port, or his Deputy or Serjeant, should be no longer the Keeper or Gaoler of the Gaol of the said Town and Port and its Liberties, but that a Gaoler or Keeper thereof, with a proper Assistant or Assistants, should be appointed by the said Mayor and Jurats: And whereas certain other Powers and Regulations are necessary and expedient to be given to the said Mayor and Jurats, and to be made touching the Matters aforesaid: And whereas the said Office of Bailiff and Verger is now vacant by the Death of *Thomas Tambs* Gentleman, late Bailiff and Verger of the said Town and Port and its Liberties: 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 said Office of Bailiff and Verger of the said Town and Port of *Sandwich* and its Liberties, and also the Common Gaol of the said Town and Port and its Liberties, with the Gaoler's House, and the Site, Land, and Ground whereon the same stand, and the Outhouses, Yards, and Appurtenances thereunto belonging or appertaining, and all the Lands situate within the said several Parishes of *Saint Clement* and *Saint Peter the Apostle* in the said Town and Port, which belong to the said Office of Bailiff and Verger, or which have been usually enjoyed by such Bailiff and Verger, by virtue of his Office, together with all Rights, Profits, and Advantages

The Office of Bailiff and Verger, and the Gaol and Bailiff and Verger's Estates, vested in the Mayor and Jurats.



whatsoever thereunto belonging or appertaining, shall from and immediately after the passing of this Act be vested in and the same are hereby absolutely vested in the Mayor and Jurats of the said Town and Port of *Sandwich* and their Successors, for ever, freed and absolutely acquitted, released, and discharged, of and from all Right and Title, Interest, Claim, and Demand whatsoever of His Majesty, His Heirs, and Successors.

II. And be it further enacted, That the said Mayor and Jurats shall and may and they are hereby authorized and empowered, and required, as soon as conveniently may be after the passing of this Act, to meet, and choose and appoint some proper Person, being either a Jurat or Common Councilman or other Commoner of the said Town and Port, and a Resident Householder within the same, to be Bailiff and Verger of the said Town and Port until the Second *Thursday* in the Month of *January* then next following; and on the said Second *Thursday* of the said Month of *January* next following the first Appointment of such Bailiff and Verger, and on every succeeding Second *Thursday* of the Month of *January* afterwards, for ever, the said Mayor and Jurats shall meet and choose and appoint some proper Person, being a Jurat or Common Councilman or other Commoner of the said Town and Port, and a resident Householder within the same, to be Bailiff and Verger of the said Town and Port until the Second *Thursday* of the Month of *January* then next following; and in case any Person appointed unto or holding the said Office of Bailiff and Verger shall refuse to take upon himself the same, or shall die, or remove from the said Town and Port, or refuse to execute or become incapable of executing the said Office, in the Interval between any Two Days of Choice or Appointment, the said Mayor and Jurats shall, as soon as conveniently may be after every such Refusal, Death, Removal, or Incapacity, meet, and choose and appoint some other proper Person, being a Jurat or Common Councilman or other Commoner of the said Town and Port, and a resident Householder within the same, to be Bailiff and Verger of the said Town and Port until the Second *Thursday* in the Month of *January* then next following; and every such Bailiff and Verger so appointed shall continue in his Office, and execute and perform the Powers and Duties thereof, until a new Bailiff and Verger is chosen and appointed and sworn into Office in his Room.

Mayor and Jurats to appoint the Bailiff and Verger annually.

III. And be it further enacted, That the Meeting for the Choice of Bailiff and Verger of the said Town and Port shall be holden at the Council Chamber in the Guildhall of the said Town and Port at the Hour of Twelve of the Clock at Noon of the Day on which the Choice or Appointment is herein-before directed to take place, or at the same Place and at the same Hour of the Day which shall be fixed by the Mayor of the said Town and Port for making the first Choice or Appointment of Bailiff and Verger, or any Choice or Appointment of Bailiff and Verger on account of the Death, or Removal from the Town and Port, or Refusal, or Incapacity to act of the previous Bailiff and Verger, which Day such Mayor is hereby authorized and directed to fix by Notice in Writing to be left at the

Meeting for the Appointment of Bailiff and Verger.



the House of every Jurat of the said Town and Port resident within the said Town and Port Three Days at least before the Day of Choice and Appointment; and every such Choice and Appointment shall be determined by the Majority of Voices of the Mayor and Jurats present at such Meeting: Provided always, that in every Case of an Equality of Votes the Mayor shall have the decisive or casting Vote, notwithstanding he shall have before given his Vote at such Meeting.

Bailiff and Verger to take the accustomed Oath.

IV. And be it further enacted, That every such Bailiff and Verger to be chosen and appointed as aforesaid shall, before his Entrance upon his Office, take before the said Mayor and Jurats the Oath of Office heretofore taken by the Bailiff and Verger of the said Town and Port appointed by His Majesty's Predecessors.

Penalty on any Person chosen as Bailiff and Verger refusing to act.

V. And be it further enacted, That in case any Person chosen and appointed to the Office of Bailiff and Verger of the said Town and Port as aforesaid shall refuse or decline to take upon himself such Office, or having taken upon himself the same shall refuse or decline to continue to execute the same during the Time for which he is appointed, every Person so refusing or declining shall forfeit and pay the Sum of Twenty Pounds to the said Mayor and Jurats, to be by them applied to and for the Purposes of this Act; and which Penalty or Sum of Twenty Pounds shall be recovered by the said Mayor and Jurats by Action of Debt in any of His Majesty's Courts of Record at *Westminster*: Provided always, that no Person who shall have previously served the said Office of Bailiff and Verger, or shall have once paid the Penalty hereby imposed upon Persons refusing or declining to take upon themselves or continue to execute the said Office, or who shall be incapable from Age or Infirmary of executing the said Office, shall be liable to the Penalty hereby imposed upon Persons refusing or declining to take upon themselves the said Office; nor shall any Person who shall have taken upon himself the said Office, but shall remove from the said Town and Port, or become incapable from Age or Infirmary of executing the said Office, before the End of the Time for which he is appointed, be liable to the Penalty hereby imposed upon Persons refusing or declining to continue to execute the said Office; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Any Jurat appointed Bailiff, not to act as a Justice of the Peace.

No Jurat to be subject to Penalty for refusing to act as Bailiff and Verger.

VI. And be it further enacted, That every Person chosen and appointed Bailiff and Verger of the said Town and Port as aforesaid, who is a Jurat of the said Town and Port, or shall become a Jurat thereof during the Time for which he is appointed Bailiff and Verger, shall be incapable of acting as One of His Majesty's Justices of the Peace of and for the said Town and Port of *Sandwich* and its Liberties during the Time that he holds the said Office of Bailiff and Verger: Provided always, that any Person chosen and appointed Bailiff and Verger of the said Town and Port as aforesaid, who is a Jurat of the said Town and Port, or shall become a Jurat thereof during the Time for which he is appointed Bailiff and Verger, may, if he thinks fit, refuse or decline to take upon himself the said Office of Bailiff and Verger without being liable to the Penalty herein-before imposed upon Persons



Persons refusing to take upon themselves the said Office of Bailiff and Verger; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

VII. And be it further enacted, That such Bailiff and Verger so to be chosen and appointed as aforesaid, or his Deputy or Serjeant, shall not be the Keeper or Gaoler of the present Gaol of the said Town and Port and its Liberties, or of the new Gaol to be erected under and by virtue of this Act, nor shall such Bailiff and Verger or his Deputy or Serjeant receive and enjoy any Fees, Perquisites, or Emoluments heretofore enjoyed by the Bailiff and Verger of the said Town and Port, or his Deputy or Serjeant, as Keeper or Gaoler of the Gaol thereof, or which do or may belong to the Office of Gaoler or Keeper of the said present Gaol or new Gaol; nor shall such Bailiff and Verger be, as such Bailiff and Verger, liable or subject to the maintaining or repairing or keeping of the said present or new Gaol, or to any Costs or Expences in anywise relating to the maintaining or repairing or the keeping of the same, but such Bailiff and Verger, as such, and His Majesty, His Heirs and Successors, shall, from and immediately after the passing of this Act, be absolutely released and discharged of and from the Maintenance and Repair and Keeping of the said present or new Gaol, and all Costs, Charges, and Expences of or relating to such Maintenance and Repair and Keeping, it being the true Intent and Meaning of this Act that the Maintenance and Repair and Keeping of the Common Gaol of the said Town and Port and its Liberties, and the Costs, Charges, and Expences of and relating thereto, shall for ever hereafter be and the same are hereby charged upon the said Town and Port and its Liberties, to be borne and paid by and out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties, in the Nature of a County or Liberty Rate, in manner and with the Aid herein-after directed and provided.

Bailiff and Verger, or his Serjeant, not to be Keeper of the Gaol.

Gaol to be maintained and repaired by the Town and Port and its Liberties.

VIII. And be it further enacted, That every such Bailiff and Verger so to be chosen and appointed as aforesaid, and his Deputy or Serjeant, who shall be appointed by such Bailiff and Verger in the same Manner as the Deputies or Serjeants of the Bailiffs and Vergers of the said Town and Port have been heretofore appointed, and shall take the same Oath of Office as such former Deputies or Serjeants have taken, shall and may perform, have, and exercise all the Duties, Powers, and Authorities whatsoever within the said Town and Port and its Liberties, and shall and may receive, take, and enjoy all the Fees, Perquisites, and Emoluments, Rights, Profits, and Advantages whatsoever within the said Town and Port and its Liberties, and shall be liable and subject to all the same Burthens within the said Town and Port and its Liberties, as any former Bailiffs and Vergers appointed by His Majesty's Predecessors, or their Deputies or Serjeants, have lawfully and rightfully performed, had, and exercised, received, taken, and enjoyed, and been liable and subject to, save and except that such Bailiff and Verger, or his Deputy or Serjeant, shall not hold or enjoy, claim or demand, the Rents and Profits of, or any Estate, Right of residing in, or other Right, Title, or Interest of, in, or to the said present Gaol of the said Town and Port of *Sandwich*, with the Gaoler's House, or the said Lands hereby vested in the said Mayor and Jurats,

Bailiff and Verger, and his Serjeant, to exercise and enjoy their ancient Duties and Rights, except as regards the Gaol, and the Bailiff and Verger's Estates.

[*Local.*]

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with



with their respective Appurtenances, or any of them, or the Wages and Fees of Twelve-pence a Day heretofore granted by the Letters Patent of His Majesty's Predecessors to the Bailiffs and Vergers of the said Town and Port, or any other Emoluments heretofore received from His Majesty's Predecessors, and save also and except as hereinbefore expressly provided.

Mayor and  
Jurats to  
erect a new  
Gaol within  
Three Years.

IX. And be it further enacted, That it shall and may be lawful to and for the Mayor and Jurats of the said Town and Port of *Sandwich*, and they are hereby required, within the Period of Three Years from and after the passing of this Act, to erect and build, or cause to be erected and built, a proper and sufficient Gaol and House of Correction for the said Town and Port and its Liberties, with convenient Apartments, not being less in Number than Eight Day Rooms and Twenty Night Cells, for the Reception of Felons, Debtors, and others, with proper and sufficient Yards, Courts, Out-houses, and other Conveniences, together with a convenient Residence for the Gaoler and other resident Officers; and also to lay out, design, assign, and appoint how and in what Manner the said Gaol and House of Correction, and other Erections and Buildings, and the Yards, Courts, Out-offices, and other Conveniences to the same, shall be built, erected, and made, and with what Materials, and in what particular Site and Situation the same shall be built, and how and in what Manner the same shall be supplied with Water, cleansed, and drained, and how the said Gaol and House of Correction, and the several Buildings, Courts, Yards, Out-offices, and other Conveniences to the same respectively, may and shall from Time to Time be preserved and kept in good Repair and Order, and to purchase Goods and other Effects for furnishing the same, and to make Contracts and Agreements for and concerning the same, and to do all Matters and Things requisite and necessary for carrying on and effecting the Purposes directed by this Act to be done, and for causing the same effectually to be performed, as to them shall seem meet.

For providing  
a Site for  
the new Gaol.

X. And be it further enacted, That it shall be lawful for the said Mayor and Jurats, and they are hereby authorized and empowered, to contract for the absolute Purchase in Fee Simple of any Piece or Parcel, Pieces or Parcels of Land, Tenements, or Hereditaments in the said Town and Port of *Sandwich*, or immediately adjoining thereto within the Liberties thereof, which may appear to them proper or convenient for the Uses and Purposes of this Act, and to take and use the same for the Purposes of this Act, first making Satisfaction to the Owners or Proprietors thereof: Provided always, that the Quantity of Land or Ground to be purchased, taken, or used for the Purposes of this Act shall not exceed in the whole Two Acres; and such Lands, Tenements, and Hereditaments respectively shall be conveyed to the Town Clerk and Clerk of the Peace of the said Town and Port and its Liberties, and his Successors, for the Uses and Purposes of this Act; or to such Person or Persons as the said Mayor and Jurats shall nominate and appoint, in Trust for the said Mayor and Jurats and their Successors, for the Uses and Purposes of this Act: Provided also, that nothing in this Act contained shall extend to the taking of any Dwelling House or other Building, or of any Land that is a Garden



or Orchard, or any Yard, Paddock, or Inclosure belonging to and adjoining to any Dwelling House or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively in Writing first had and obtained.

XI. And be it further enacted, That when and so soon as the said new Gaol and House of Correction to be built and erected under the Powers and Authorities of this Act shall have been erected and completed, from thenceforth the same shall be and shall to all Intents and Purposes be deemed and taken to be the Common Gaol and House of Correction of and for the said Town and Port of *Sandwich* and its Liberties, and shall be made use of as and for such Common Gaol and House of Correction, and for the Imprisonment and Confinement of Felons and Debtors and all other Persons from Time to Time committed thereto or imprisoned therein by or in due Course or Process of Law; and the Mayor and Jurats of the said Town and Port and its Liberties for the Time being, and the Gaoler or Keeper, Gaolers or Keepers for the Time being of the said present Gaol and House of Correction, until the said new Gaol and House of Correction shall be erected and completed, and afterwards of the said new Gaol and House of Correction, shall respectively be liable and answerable to all Intents and Purposes whatsoever for the safe Custody of all and every such Person and Persons as shall from Time to Time be committed to or imprisoned or confined in such present Gaol and House of Correction or new Gaol and House of Correction in such and the like Manner as the Bailiff and Verger of the said Town and Port of *Sandwich* and its Liberties, or his Deputy or Serjeant, or other Person or Persons now liable or answerable, is or are now liable or answerable in every Respect and in every Case; and the said Mayor and Jurats for the Time being shall and may have, possess, and exercise such and the like Power, Authority, and Jurisdiction over the said present Gaol and House of Correction and new Gaol and House of Correction, and over the Gaoler or Keeper, Gaolers or Keepers of the same, as the said Bailiff and Verger, or his Deputy or Serjeant, and the said Mayor or Jurats, or any or either of them respectively, now have or possess, or might lawfully have, possess, and exercise over the said present Gaol and House of Correction, and over the Gaoler or Keeper, Gaolers or Keepers thereof.

New Gaol  
to be the  
Common  
Gaol of the  
Town and  
Port and its  
Liberties.

XII. And be it further enacted, That the said Mayor and Jurats do and shall, as soon as conveniently may be after the passing of this Act, absolutely sell and dispose of the said Lands situate in the said Parishes of *Saint Clement* and *Saint Peter the Apostle* within the said Town and Port of *Sandwich*, heretofore belonging to or enjoyed by the Bailiff and Verger of the said Town and Port, and hereby vested in the said Mayor and Jurats, and do and shall, as soon as conveniently may be after all the Prisoners confined in the said present Gaol and House of Correction of the said Town and Port and its Liberties shall be removed to the said new Gaol and House of Correction, absolutely sell and dispose of the said present Gaol, with the Gaoler's House and Appurtenances, and the said present House of Correction, and the Materials thereof, either together or separately, and to such Person or Persons as shall be willing to purchase the same, for the best Price

Mayor and  
Jurats to sell  
the present  
Gaol, and  
the Bailiff  
and Verger's  
Estates.

or



Application  
of the Money  
arising from  
the Sale.

or Prices, Sum or Sums of Money that can be reasonably had and gotten for the same, and do and shall convey such present Gaol, with the Gaoler's House and present House of Correction, or the Site thereof, Lands and Premises, to the Purchaser or respective Purchasers thereof, or to such Person or Persons and in such Manner and Form as such Purchaser or respective Purchasers shall direct or appoint; and also in like Manner do and shall sell and dispose of the Furniture belonging to the said present Gaol and Gaoler's House and House of Correction, or such Part or Parts thereof as they shall think proper, and convert such Part or Parts thereof as shall not be sold or disposed of to the Use of the said new Gaol and House of Correction; and the Money arising from such Sales, after paying and defraying the necessary Costs, Charges, and Expences of, attending, and incidental to such Sales, shall be paid to the said Mayor and Jurats, or to the Treasurer or Receiver of the public Rates, Stock, or Funds of the said Town and Port and its Liberties for the Time being; (whose Receipt or Receipts for the same shall be an absolute Discharge or Discharges for the same to the Purchaser or Purchasers respectively, to all Intents and Purposes whatsoever,) in order to be applied in the first place in and towards reimbursing and defraying the Expences of, attending, and incidental to the passing of this Act, and the Expences incurred and to be incurred in purchasing a Site for, and erecting, furnishing, and completing the said new Gaol and House of Correction, and other Erections by this Act authorized to be built.

Rents of  
Lands till  
sold to be  
applied to  
the Purposes  
of this Act.

XIII. Provided always, and be it further enacted, That until the said Lands, Hereditaments, and Premises hereby vested in the said Mayor and Jurats, and directed to be sold as aforesaid, shall be sold, the Rents and Profits thereof shall be received by the said Mayor and Jurats, and applied by them to and for the same Purposes as the Monies arising from the Sale of the said Lands, Hereditaments, and Premises would have been applicable unto in case the same had been sold.

Part of the  
Bailliff's  
Lands may  
be taken for  
the Site of  
the new Gaol.

XIV. Provided always, and be it further enacted, That in case it shall seem expedient to the said Mayor and Jurats to take a Part of the said Lands and Premises hereby vested in them as aforesaid as a Site for the said new Gaol and House of Correction, it shall and may be lawful for them to take any Part of such Lands and Premises, not exceeding in the whole Two Acres, for that Purpose; and in that Case the Residue only of the said Lands, Hereditaments, and Premises hereby vested in the said Mayor and Jurats, and directed to be sold, shall be sold for the Purposes of this Act.

Mayor and  
Jurats may  
take Land of  
the Corpora-  
tion.

XV. Provided always, and be it further enacted, That in case any Part of the Land belonging to the Mayor, Jurats, and Commonalty of the said Town and Port of *Sandwich* shall seem to the said Mayor and Jurats eligible for the Site of the said new Gaol and House of Correction, it shall and may be lawful to and for the said Mayor and Jurats to purchase such Land, not exceeding Two Acres in the whole, of and from the said Mayor, Jurats, and Commonalty, and it shall and may be lawful to and for the said Mayor and Jurats to agree with the said Mayor, Jurats, and Commonalty for the Purchase thereof:

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Provided always, that nothing herein contained shall be construed to extend to enable the said Mayor and Jurats to take any Land belonging to the said Mayor, Jurats, and Commonalty for the Purposes of this Act, without the Consent of the said Mayor, Jurats, and Commonalty under their Common Seal first had and obtained for that Purpose.

XVI. And be it further enacted, That the Residue of the Money necessary for the reimbursing and defraying the Expences of, attending, and incidental to the passing of this Act, and the Expences incurred and to be incurred in purchasing, if necessary, a Site for, and erecting, furnishing, and completing the said new Gaol and House of Correction; and other Erections hereby authorized to be built, and also the Expences of repairing, supporting, and maintaining, and, if Need should ever require it, of enlarging the said new Gaol and House of Correction, and the other Erections by this Act authorized to be built, when the same shall have been erected, completed, and furnished, and of repairing and renewing the Furniture thereof, shall be borne and defrayed by and out of the public Rates, Stock, or Funds, in the Nature of a County or Liberty Rate, raised and to be raised within the said Town and Port and its Liberties; and also the Expence of maintaining and supporting the Prisoners to be confined in the said new Gaol and House of Correction, as well as the Salary or Salaries to be paid to the Gaoler or Keeper, Gaolers or Keepers, and other Officer or Officers thereof, and all other Expences attending the same, shall also be borne and paid by and out of such public Rates, Stock, or Funds: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to authorize or empower the said Mayor and Jurats to apply or direct or order any further or greater Sum of Money in the whole than the Sum of Two thousand Pounds, and Interest thereon or on any Part thereof, in case such Sum of Two thousand Pounds, or any Part thereof, shall be borrowed, to be applied or paid out of the said public Rates, Stock, or Funds, for the Purpose of erecting and completing the said Gaol and House of Correction and other Buildings to be erected by virtue of this Act, including the Costs and Charges of and incidental to the obtaining and passing of this Act, and of purchasing, if necessary, a Site for, and furnishing the said new Gaol and House of Correction and other Buildings; or to authorize the said Mayor and Jurats to order and appoint any greater Sum or Sums of Money to be applied or paid out of the said public Rates, Stock, or Funds, for the Purpose of erecting and completing the said Gaol and House of Correction and other Buildings to be erected by virtue of this Act, including the Costs and Charges of and incidental to the obtaining and passing of this Act, and of purchasing, if necessary, a Site for, and furnishing the said new Gaol and House of Correction and other Buildings, or for the Purpose of paying any Money borrowed for these Purposes, and the Interest thereof or any Part thereof, in any one Year, than the Sum of Two hundred Pounds, including Interest on Money borrowed.

For raising  
the Residue  
of the Money  
necessary for  
executing  
this Act.

XVII. And whereas, under and by virtue of an Act of Parliament made and passed in the Twenty-ninth Year of His late Majesty

[*Local.*]

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King



- 28 G. 2. c. 55. King George the Second, intituled *An Act for building a Bridge over the Water or Haven between the Town of Sandwich and the opposite Shore in the County of Kent*, and of an Act of Parliament made and passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road from the Town and Port of Sandwich in the County of Kent to the Towns of Margate and Ramsgate in the Isle of Thanet in the said County, and for reducing, for a limited Time, the Tolls and Duties payable at Sandwich Bridge, or One of them, certain Tolls or Dues are made payable at the said Bridge, the Surplus of which, after defraying and providing for the Expences and Purposes therein mentioned, is vested in the Mayor, Jurats, and Commonalty of the said Town and Port of Sandwich, to be laid out and applied in any public Works for the Advantage of the said Town, in such Manner as the said Mayor, Jurats, and Commonalty, at a public Meeting assembled, or the major Part of them so assembled, shall think proper: And whereas the said Mayor, Jurats, and Commonalty are willing that, in case the Expences of, attending, and incidental to the passing of this Act, and the Expences to be incurred in purchasing, if necessary, a Site for, and erecting, furnishing, and completing the said new Gaol and House of Correction and other Erections hereby authorized to be built, shall exceed the clear Sum of Money produced by the Sale of the said present Gaol, with the Gaoler's House, House of Correction, Lands, Hereditaments, and Premises herein-before directed to be sold as aforesaid, and the said Sum of Two thousand Pounds herein-before authorized to be paid out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties as aforesaid; in or towards the reimbursing and defraying of such Expences, that the Deficiency shall be borne and paid by and out of a Proportion of such Surplus of the Tolls and Duties payable at the said Bridge; be it therefore further enacted, That in case the Expences of, attending, and incidental to the passing of this Act, and the Expences to be incurred in purchasing, if necessary, a Site for, and erecting, furnishing, and completing the said new Gaol and House of Correction and other Erections hereby authorized to be built, shall exceed the clear Sum of Money produced by the Sale of the said present Gaol, with the Gaoler's House, House of Correction, Lands, Hereditaments, and Premises herein-before directed to be sold as aforesaid, and the said Sum of Two thousand Pounds herein-before authorized to be paid out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties as aforesaid, in or towards the reimbursing and defraying of such Expences, then the Deficiency shall be borne and paid by and out of a Proportion of the said Surplus of the Tolls and Duties payable at *Sandwich Bridge*, vested in the said Mayor, Jurats, and Commonalty as aforesaid, and to that Intent such Part of the yearly Surplus of such Tolls and Duties (not exceeding One Third Part of the whole yearly Surplus of such Tolls and Duties, estimated upon the average yearly Amount of such Surplus at the Five yearly Audits of the Accounts of such Tolls and Duties immediately preceding,) as the said Mayor and Jurats shall from Time to Time direct, and who are hereby authorized and required to direct a sufficient Part of such Surplus (not exceeding One Third Part of the whole yearly Surplus of such Tolls and Duties, estimated as aforesaid,)*

If the Expence of erecting the Gaol, &c. shall exceed the Means herein-before provided, a Portion of the Surplus of the Tolls arising under the recited Acts to be applied yearly to make up the Deficiency;



to be applied for the Purpose, shall be yearly paid to the said Mayor and Jurats, or to the said Treasurer or Receiver of the public Rates, Stock, or Funds of the said Town and Port and its Liberties for the Time being, to be applied in and towards the making good of such Deficiency, before such Surplus or any Part thereof is applied to or for any other Purpose whatsoever; or otherwise it shall and may be lawful to and for the said Mayor and Jurats, if it shall seem to them expedient so to do, to raise the Amount of such Deficiency, or any Part thereof, by a Mortgage or Mortgages of any Part of such Surplus of such Tolls and Duties (not exceeding One Third Part of the whole yearly Surplus of such Tolls and Duties, estimated as aforesaid,) and to apply the Money raised by such Mortgage or Mortgages in the Payment and making good of such Deficiency; and all and every such Mortgages or Mortgage shall be binding upon the said Mayor, Jurats, and Commonalty, and their Successors, and all and every other Persons whomsoever; and the Person or Persons to whom any such Mortgage or Mortgages shall be made or transferred shall be paid his, her, or their Interest, and upon giving Notice in Writing to the said Mayor, Jurats, and Commonalty, or to the Town Clerk of the said Town and Port for the Time being, of his, her, or their Desire to be paid his, her, or their Principal Money or Monies, then also such Principal Money or Monies, by and out of the Proportion of such Surplus of such Tolls and Duties comprised in such Mortgage or Mortgages, before any Part of such Surplus is applied to or for any other Purpose whatsoever: Provided always, that in every Case of such Principal Money or Monies being so called in, the said Mayor and Jurats may, if they think it expedient, raise and pay off the Amount of such Principal Money or Monies, or any Part thereof, by a new Mortgage or Mortgages of such Proportion as aforesaid of the said Surplus of the said Tolls and Duties in the same Manner as the Principal Money or Monies to be paid off was or were borrowed or raised.

or the Amount of such Deficiency may be raised by mortgage of such Portion of Surplus.

XVIII. And be it further enacted, That the said Mortgage or Mortgages of such Proportion as aforesaid of the said Surplus of the said Tolls and Duties, and all Transfers of such Mortgage or Mortgages respectively, shall be made in the Manner and Form or to the Effect following; (that is to say,)

Form of Mortgage.

WE A. B. Mayor, and C. D., E. F., &c.  
 Jurats of the Town and Port of *Sandwich* in the County of *Kent*, acting under and by virtue of an Act passed in the Tenth Year of the Reign of His present Majesty King *George* the Fourth; intituled [*here insert the Title of this 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 M. N. \_\_\_\_\_ of \_\_\_\_\_ into the Hands of the Treasurer or Receiver of the public Rates, Stock, or Funds of the Town and Port of *Sandwich* and its Liberties, to be applied for the Purposes of the said Act, grant, bargain, sell, and demise unto the said M. N. \_\_\_\_\_ Executors, Administrators, and Assigns, One \_\_\_\_\_ Part of the whole yearly Surplus of the Tolls and Duties payable at *Sandwich Bridge* under and by virtue of an Act passed in the \_\_\_\_\_ Twenty-



Twenty-ninth Year of the Reign of His late Majesty King George the Second, intituled *An Act for building a Bridge over the Water or Haven between the Town of Sandwich and the opposite Shore in the County of Kent*, and an Act passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road from the Town and Port of Sandwich in the County of Kent to the Towns of Margate and Ramsgate in the Isle of Thanet in the said County, and for reducing, for a limited Time, the Tolls and Duties payable at Sandwich Bridge, or One of them, such Surplus to be estimated from Time to Time upon the average yearly Amount of such Surplus at the Five yearly Audits of the Accounts of the said Tolls and Duties immediately preceding, or such Proportion of such Part of such Surplus of such Tolls and Duties as the said Sum of doth or shall bear to the whole Sum charged and advanced or to be charged and advanced upon such Part of the said Surplus of the said Tolls and Duties for the Purposes aforesaid, to be holden from the Day of the Date hereof until the said Sum of with Interest after the Rate of per Cent. per Annum, shall be fully repaid and satisfied.*  
 Given under our Hands and Seals, this Day of in the Year of our Lord

Form of Assignment of Mortgage.

I [or We] do hereby assign or transfer this Mortgage [if by Indorsement or if by a separate Instrument or certain Mortgage], made by virtue of an Act passed in the Tenth Year of the Reign of His present Majesty King George the Fourth, intituled [here insert the Title of this Act], of Part of the Surplus of the Tolls and Duties payable at Sandwich Bridge under and by virtue of an Act passed in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, intituled *An Act for building a Bridge over the Water or Haven between the Town of Sandwich and the opposite Shore in the County of Kent*, and an Act passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road from the Town and Port of Sandwich in the County of Kent to the Towns of Margate and Ramsgate in the Isle of Thanet in the said County, and for reducing, for a limited Time, the Tolls and Duties payable at Sandwich Bridge, or One of them, or the Proportion of such Part of such Surplus of such Tolls and Duties comprised in such Mortgage, and all my [or our] Right and Title to the Principal Money and Interest thereby secured and now due thereon, unto of Executors, Administrators, and Assigns. Witness my Hand and Seal [or our Hands and Seals], this Day of*

And all and every such Mortgages and Mortgage, Transfers and Transfer, shall be registered by the Town Clerk of the said Town and Port in a Book to be kept by him for the Purpose, and who shall be paid the Sum of Three Shillings and Four-pence, and no more, for the registering of every such Mortgage and Transfer, by the Party or Parties bringing the same to him to be registered.

Mayor and Jurats to appoint Gaoler and other Officers.

XIX. And be it further enacted, That the said Mayor and Jurats shall appoint a Gaoler or Keeper, Matron, and such other Officers as they shall think proper, for the said present Gaol and House of Correction,



Correction, until the said new Gaol and House of Correction shall be erected and completed, and then shall appoint a Gaoler or Keeper, Matron, Chaplain, and Surgeon, and such other Officers as they shall think proper, for the said new Gaol and House of Correction, and shall from Time to Time have Power to remove such Gaoler, Keeper, Matron, Chaplain, and Surgeon, and other Officers, or any of them, and to appoint others in their Stead; and such Gaoler, Keeper, and other Officers shall give such Security to the Mayor and Jurats of the said Town and Port for the Performance of their respective Duties as they the said Mayor and Jurats may think reasonable and sufficient; and such Gaoler, Keeper, Matron, or other Officers, for any Negligence or Misbehaviour in their respective Offices, may either be proceeded against on the Security so to be given, or upon Complaint made against any such Officers or Officer to the said Mayor and Jurats at any General Sessions of the Peace to be holden for the said Town and Port and its Liberties; and such Mayor and Jurats shall and they are hereby authorized and required to examine into, hear, and determine the Matter of such Complaint; and if it shall appear to them that such Officers or Officer shall have been negligent or have misbehaved in his, her, or their Office or Duty, then such Mayor and Jurats shall set and impose such Fine or Fines upon such Officers or Officer, not exceeding the Sum of Five Pounds upon each for each Offence, as in their Discretion they shall think fit; which Fine or Fines shall be levied, by Warrant under the Hands and Seals of the said Mayor and Jurats, by Distress and Sale of the Goods and Chattels of such Officer or Officers so offending.

XX. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Jurats in General Sessions, or any Adjournment thereof, from Time to Time assembled, to order such Salaries and Allowances to be paid and made to the Gaoler or Keeper, Matron, Chaplain, Surgeon, and other Officers appointed for the said present and new Gaol and House of Correction respectively by virtue of this Act, by and out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties, as to the said Mayor and Jurats shall appear reasonable and just: Provided always, that nothing herein contained shall be construed to authorize the said Mayor and Jurats to order any Salary or Allowance to be paid or made to any Bailiff and Verger to be appointed by virtue of this Act, his Deputy or Serjeant, by or out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties.

Salaries and Allowances to Gaolers and other Officers.

XXI. And be it further enacted, That all and every the Fees, Perquisites, and Emoluments or Allowances which before and at the Time of the passing of this Act belonged to or were lawfully received or enjoyed by the said Bailiff or Verger of the said Town and Port of *Sandwich*, or his Deputy or Serjeant, as Keeper or Gaoler of the Gaol of the said Town and Port and its Liberties, shall, from and after the Appointment of such Gaoler or Keeper of the said present Gaol and House of Correction or new Gaol and House of Correction under and by virtue of this Act, belong to and be received and enjoyed by such Gaoler or Keeper appointed under and by virtue of this Act.

Gaoler's Fees.

[*Local.*]

28 H

XXII. And



Rules and Regulations of Acts 4 G. 4. c. 64. and 5 G. 4. c. 85. extended to this Act.

XXII. And be it further enacted, That the Rules and Regulations directed by a Statute made and passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*, and in a certain other Statute made and passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act for amending an Act of last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*; to be observed and carried into effect in the several Prisons to which such Acts extend, for the Management thereof, shall be observed and carried into effect in the said new Gaol and House of Correction to be erected and built by virtue of such Act, so far as such Rules and Regulations may be applicable or can be applied to the said new Gaol and House of Correction to be erected and built by virtue of this Act, and the Prisoners therein, and so far as such Rules and Regulations, or any of them, are not contrary or repugnant to any of the express Provisions of this Act.

Gaoler to make Returns of Prisoners to the Sessions.

XXIII. And be it further enacted, That the Gaoler or Keeper of the said present Gaol and new Gaol and House of Correction, on the Day next but one before every General Sessions of the Peace holden for the said Town and Port and its Liberties, shall make a just and true Return in Writing to the Town Clerk and Clerk of the Peace of the said Town and Port, and on the first Day of every such General Sessions of the Peace, before the Hour of Eleven of the Clock in the Forenoon, shall make a like Return to the said Mayor and Jurats in open Court, specifying the Names and Name and Age of all and every the Persons or Person in his or their Custody, the Offences or Offence of which they, he, or she have or hath been convicted, and the Sentence of the Court or Adjudication of the Justices or Justice before or by whom they, he, or she have or hath been convicted, in case they, he, or she have or hath been already convicted, or the Offences or Offence, Causes or Cause, with or for which they, he, or she are or is charged or have or hath been committed to or lodged in Prison, with the Names of the Justices or Justice or Officers or Officer by whom they, he, or she have or hath been committed to or lodged in Prison.

Mayor and Jurats to act at Sessions.

XXIV. And be it further enacted, That wherever the said Mayor and Jurats are mentioned in this Act, the Mayor and Jurats of the said Town and Port for the Time being are intended; and all and every the Matters and Things by this Act authorized and required to be done by the said Mayor and Jurats shall be done by the Mayor and Jurats for the Time being, and shall be done by them or the major Part of them assembled at a General Sessions of the Peace for the said Town and Port and its Liberties, or some Adjournment thereof, at which the Mayor and Six Jurats at the least shall be present, except in such Cases in which the contrary thereof is herein expressly enacted.

XXV. And



XXV. And be it further enacted, That all and every the Powers and Authorities, Power or Authority, given or belonging or which shall hereafter be given or belong to His Majesty's Justices of the Peace of Cities, Towns; and Liberties in general, by the public Statutes and Laws of this Realm, for the building and repairing of Gaols and Houses of Correction, and for the other Purposes provided for by this Act, and in particular the Powers and Authorities given and contained in a Statute made and passed in the Twenty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act to explain and amend an Act made in the Eleventh and Twelfth Years of the Reign of King William the Third, intituled 'An Act to enable Justices of Peace to build and repair Gaols in their respective Counties,' and for other Purposes therein mentioned,* relating to the Purchase of Land for the Purpose of erecting new Gaols and Houses of Correction, or enlarging old Gaols and Houses of Correction, and the Yards, Courts, and Outlets belonging thereto, and the Proceedings to be had in that Behalf, and relating to the providing for the Expences of building, rebuilding, enlarging, and fitting up of Gaols and Houses of Correction, and the raising and charging of the Rates of such Cities, Towns, and Liberties with, and the borrowing and taking up of Money for that Purpose, and the transferring and discharging of the Securities for the Money so borrowed or taken up, and relating to any other of the Purposes provided for by this Act, shall and may be exercised by the Mayor and Jurats of the said Town and Port, and shall and may be applicable and applied for the putting of this Act in execution, and effectuating the Purposes hereof, in all Cases and Respects not hereby expressly or fully provided for.

Power of purchasing Land and raising Money for Erection of Gaol, and other statutable Powers, vested in Mayor and Jurats.

24 G. 3. c. 54.

XXVI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of the Mayor and One Jurat, or Two Jurats, of the said Town and Port, on Complaint to them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders or Person or Persons liable to pay the same, by Warrant under the Hands and Seals of such Mayor and Jurat, or Jurats, who are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; and it shall and may be lawful for the said Mayor and Jurat, or Jurats, to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Mayor and Jurat, or Jurats, for his, her, or their Appearance on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not

Forfeitures and Penalties how to be levied and applied.



not being more than Six Days from the Time of taking any such Security, and which Security the said Mayor and Jurat, or Jurats, are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Mayor and Jurat, or Jurats, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Mayor and Jurat, or Jurats, shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Mayor and Jurat, or Jurats, and they are hereby required and empowered, by Warrant or Warrants under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol and House of Correction of the said Town and Port, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty or Penalties, and all Costs and Charges incident to and attending such Proceedings as aforesaid, to be ascertained by such Mayor and Jurat, or Jurats, shall be sooner paid or discharged; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied, shall be paid to the Treasurer of the said Town and Port and its Liberties, and applied for the Purposes of this Act.

Freemen and  
other Inha-  
bitants de-  
clared com-  
petent Wit-  
nesses in all  
Actions, &c.

XXVII. And be it further enacted and declared, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning any Matter or Thing contained in this Act, or any Rule, Order, or Regulation made in pursuance thereof, no Freeman of the said Town and Port, or any Inhabitant of the said Town and Port and its Liberties, or any other Person whatsoever, shall be deemed an incompetent Witness by reason of being such Freeman or Inhabitant, or by reason of paying or being liable to the Payment of the public Rates of the said Town and Port and its Liberties.

Form of  
Conviction.

XXVIII. And, for the more easy Conviction of Offenders, be it further enacted, That the Mayor and Jurat, or Jurats, before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Regulation to be made in pursuance thereof, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Words to the same Effect; *videlicet*,

Town and Port of Sandwich }  
 in the County of Kent } **BE** it remembered, That on the  
 (to wit). } Day of                      in the                      Year  
 of the Reign of                      A. B. is [or are] convicted  
 before us                      of His Majesty's Justices of the Peace for  
 the Town and Port of *Sandwich*, by virtue of an Act passed in  
 the Tenth Year of the Reign of His Majesty King *George* the  
 Fourth, intituled [*here set forth the Title of this Act*],                      of  
 [specifying the Offence, and the Time and Place when  
 and



‘ *and where the same was committed, as the Case shall be,*] contrary  
 ‘ to the said Act, [*or, as the Case shall be,* contrary to a certain  
 ‘ made on the Day of  
 ‘ pursuant to the said Act,] for which Offence we adjudge the said  
 ‘ to have forfeited the Sum of  
 ‘ Given under our Hands and Seals, the Day and Year first above  
 ‘ written.’

XXIX. And be it further enacted, That if any Person or Persons Appeal. shall think himself, herself, or themselves aggrieved by any Conviction in pursuance of this Act, or of any Rule, Order, or Regulation to be made by virtue thereof, and for which no other Method or Relief is by Law or by this Act otherwise appointed or directed, such Person or Persons shall and may appeal to the Mayor and Jurats at the next General Sessions of the Peace to be holden in and for the said Town and Port of *Sandwich* after the Cause of such Complaint shall have arisen, such Appellant giving or causing to be given Eight Days Notice at least of his or her Intention to bring such Appeal, and of the Matter thereof, to the Mayor and Jurat, or Jurats, before whom such Person or Persons shall have been so convicted, and to the Person or Persons who is or are intended to be affected by such Appeal, and within Four Days after such Notice entered into a Recognizance before the Mayor or some Jurat of the said Town and Port, with Two sufficient Securities, in such reasonable Sum as such Mayor or Jurat shall direct, conditioned to try such Appeal, and to abide by such Order as shall be made, and to pay such Costs as shall be awarded by the Mayor and Jurats at such Sessions; and the said Mayor and Jurats at such Sessions, or at some Adjournment thereof, shall and may summon the Witnesses both on the Part of the Appellant and Respondent to come before them, and upon due Proof of Notice having been given, and of entering into Recognizance in manner herein-before mentioned, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Restitution, Damages, and Costs to the Party or Parties appealing or appealed against as the said Mayor and Jurats shall think proper; and the Determination of the said Mayor and Jurats at such Sessions or Adjournment shall be final, binding, and conclusive.

XXX. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, or of any Rule, Order, or Regulation to be made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other 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 be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or other wrongful Proceeding if Tender of sufficient Amends. [Local.] 28 I Amends

Distress not  
to be deemed  
unlawful for  
Want of  
Form.

Tender of  
Amends.



Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity or wrongful Proceeding 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, she, or they shall see fit, whereupon such Proceedings or Orders and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings  
not to be  
quashed for  
Want of  
Form.

XXXI. And be it further enacted, That no Rule, Order, Regulation, or other Proceeding, Matter, or Thing to be had or made in pursuance of this Act, or 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.

Mayor and  
Jurats may  
sue and be  
sued in the  
Name of the  
Town Clerk  
and Clerk of  
the Peace.

XXXII. And be it further enacted, That the said Mayor and Jurats may sue and be sued, for or concerning any thing which shall be done by virtue or in pursuance of this Act, in the Name of the Town Clerk and Clerk of the Peace for the Time being; and no Action or Suit so to be brought or commenced by or against the said Mayor and Jurats shall abate or be discontinued by the Death, Removal, or Default of any such Town Clerk and Clerk of the Peace, but shall be continued and carried on in the Name of the Town Clerk and Clerk of the Peace for the Time being in whose Name the same shall have been brought; and the Town Clerk and Clerk of the Peace for the Time being shall always be Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that all Costs and Expences to be incurred by the said Town Clerk and Clerk of the Peace for the Time being in prosecuting or defending any Action or Suit touching the Execution of this Act shall be defrayed out of any Money collected or received under the Provisions of this Act: Provided also, that such Town Clerk and Clerk of the Peace shall not on that Account be deemed an incompetent Witness in any such Action or Suit, except only in such Action or Suit as shall be on his own personal Account.

Limitation  
of Actions.

XXXIII. And be it further enacted, That no Action at Law shall be commenced against any Person or Persons for any thing done or omitted to be done by virtue of this Act, or of any Rule, Order, or Regulation to be made in pursuance thereof, until after Seven Days Notice thereof shall have been given to or left at the usual Place of Abode of the Person or Persons against whom such Action is intended to be brought, and to the Town Clerk and Clerk of the Peace for the said Town for the Time being, signed by the intended Plaintiff or Plaintiffs, thereby setting forth the particular Cause of



such Action, nor after Tender of sufficient Amends shall have been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Cause of such Action shall have arisen; and every such Action shall be brought and laid in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action 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 by virtue and under the Authority of this Act, or of any Rule, Order, or Regulation made in pursuance thereof; and if on the Trial of such Action it shall appear to have been so done, or that such Action be brought before Seven Days Notice thereof shall be given or left as aforesaid, or after Tender of sufficient Amends shall have been made to the Party or Parties aggrieved, or after the End of Six Calendar Months next after the Cause of such Action shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, then and in every or any of the said Cases the Jury on the Trial of any such Action shall find a Verdict for the Defendant or Defendants therein.

General  
Issue.

XXXIV. And be it further enacted, That nothing herein contained shall extend or be construed to extend to take away, lessen, diminish, or derogate from any of the Prerogatives, Estates, Rights, Interests, Immunities, Franchises, and Privileges of the King's Majesty, His Heirs or Successors, or of the Lord Warden of the Cinque Ports or his Successors, or of the Mayor, Jurats, and Commonalty of the said Town and Port of *Sandwich*, further or otherwise than is herein-before expressly contained and enacted.

Saving of  
Rights.

XXXV. 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.

Public Act.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1829.







Gaol, and is also entitled unto and enjoys certain Fees, Perquisites, and Emoluments : And whereas the said Gaol of the said Town and Port is very small and inconvenient, and in a very dilapidated State, and the Profits of the said Office of Bailiff and Verger of the said Town and Port are insufficient for providing and maintaining a proper Common Gaol for the said Town and Port and its Liberties : And whereas it will be for the Benefit and Advantage of the said Town and Port and its Liberties, and the Inhabitants thereof, that the Appointment of Bailiff and Verger of the said Town and Port should be transferred to the Mayor and Jurats of the said Town and Port, who are His Majesty's Justices of the Peace of the said Town and Port and its Liberties, and that the present Gaol of the said Town and Port and its Liberties, with the Gaoler's House, and the Lands belonging to the said Office of Bailiff and Verger, or which have been enjoyed by the said Bailiff and Verger, and the present House of Correction of the said Town and Port and its Liberties, should be vested in the said Mayor and Jurats, with Power to them to erect a new Gaol and House of Correction for the said Town and Port and its Liberties, with all requisite Conveniences, on a new Site, and to sell and dispose of the present Gaol of the said Town and Port and its Liberties, with the Gaoler's House, and the said Lands belonging to the said Office of Bailiff and Verger, and the said present House of Correction, or which have been enjoyed by the said Bailiff and Verger, and to raise such further Sum or Sums of Money as shall be necessary for building and completing such new Gaol and House of Correction, and for maintaining the same afterwards, by and out of the public Rates, Stock, and Funds to be raised for the said Town and Port and its Liberties, or by borrowing Money on the Credit thereof, and otherwise as herein-after mentioned, and that the Bailiff and Verger of the said Town and Port, or his Deputy or Serjeant, should be no longer the Keeper or Gaoler of the Gaol of the said Town and Port and its Liberties, but that a Gaoler or Keeper thereof, with a proper Assistant or Assistants, should be appointed by the said Mayor and Jurats : And whereas certain other Powers and Regulations are necessary and expedient to be given to the said Mayor and Jurats, and to be made touching the Matters aforesaid : And whereas the said Office of Bailiff and Verger is now vacant by the Death of *Thomas Tambs* Gentleman, late Bailiff and Verger of the said Town and Port and its Liberties : 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 said Office of Bailiff and Verger of the said Town and Port of *Sandwich* and its Liberties, and also the Common Gaol of the said Town and Port and its Liberties, with the Gaoler's House, and the Site, Land, and Ground whereon the same stand, and the Outhouses, Yards, and Appurtenances thereunto belonging or appertaining, and all the Lands situate within the said several Parishes of *Saint Clement* and *Saint Peter the Apostle* in the said Town and Port, which belong to the said Office of Bailiff and Verger, or which have been usually enjoyed by such Bailiff and Verger, by virtue of his Office, together with all Rights, Profits, and Advantages

The Office  
of Bailiff and  
Verger, and  
the Gaol and  
Bailiff and  
Verger's  
Estates,  
vested in the  
Mayor and  
Jurats.



whatsoever thereunto belonging or appertaining, shall from and immediately after the passing of this Act be vested in and the same are hereby absolutely vested in the Mayor and Jurats of the said Town and Port of *Sandwich* and their Successors, for ever, freed and absolutely acquitted, released, and discharged of, and from all Right and Title, Interest, Claim, and Demand whatsoever of His Majesty, His Heirs, and Successors.

II. And be it further enacted, That the said Mayor and Jurats shall and may and they are hereby authorized and empowered, and required, as soon as conveniently may be after the passing of this Act, to meet, and choose and appoint some proper Person, being either a Jurat or Common Councilman or other Commoner of the said Town and Port, and a Resident Householder within the same, to be Bailiff and Verger of the said Town and Port until the Second *Thursday* in the Month of *January* then next following; and on the said Second *Thursday* of the said Month of *January* next following the first Appointment of such Bailiff and Verger, and on every succeeding Second *Thursday* of the Month of *January* afterwards, for ever, the said Mayor and Jurats shall meet and choose and appoint some proper Person, being a Jurat or Common Councilman or other Commoner of the said Town and Port, and a resident Householder within the same, to be Bailiff and Verger of the said Town and Port until the Second *Thursday* of the Month of *January* then next following; and in case any Person appointed unto or holding the said Office of Bailiff and Verger shall refuse to take upon himself the same, or shall die, or remove from the said Town and Port, or refuse to execute or become incapable of executing the said Office, in the Interval between any Two Days of Choice or Appointment, the said Mayor and Jurats shall, as soon as conveniently may be after every such Refusal, Death, Removal, or Incapacity, meet, and choose and appoint some other proper Person, being a Jurat or Common Councilman or other Commoner of the said Town and Port, and a resident Householder within the same, to be Bailiff and Verger of the said Town and Port until the Second *Thursday* in the Month of *January* then next following; and every such Bailiff and Verger so appointed shall continue in his Office, and execute and perform the Powers and Duties thereof, until a new Bailiff and Verger is chosen and appointed and sworn into Office in his Room.

Mayor and Jurats to appoint the Bailiff and Verger annually.

III. And be it further enacted, That the Meeting for the Choice of Bailiff and Verger of the said Town and Port shall be holden at the Council Chamber in the Guildhall of the said Town and Port at the Hour of Twelve of the Clock at Noon of the Day on which the Choice or Appointment is herein-before directed to take place, or at the same Place and at the same Hour of the Day which shall be fixed by the Mayor of the said Town and Port for making the first Choice or Appointment of Bailiff and Verger, or any Choice or Appointment of Bailiff and Verger on account of the Death, or Removal from the Town and Port, or Refusal or Incapacity to act of the previous Bailiff and Verger, which Day such Mayor is hereby authorized and directed to fix by Notice in Writing to be left at the

Meeting for the Appointment of Bailiff and Verger.



the House of every Jurat of the said Town and Port resident within the said Town and Port Three Days at least before the Day of Choice and Appointment; and every such Choice and Appointment shall be determined by the Majority of Voices of the Mayor and Jurats present at such Meeting: Provided always, that in every Case of an Equality of Votes the Mayor shall have the decisive or casting Vote, notwithstanding he shall have before given his Vote at such Meeting.

Bailiff and  
Verger to  
take the  
accustomed  
Oath.

IV. And be it further enacted, That every such Bailiff and Verger to be chosen and appointed as aforesaid shall, before his Entrance upon his Office, take before the said Mayor and Jurats the Oath of Office heretofore taken by the Bailiff and Verger of the said Town and Port appointed by His Majesty's Predecessors.

Penalty on  
any Person  
chosen as  
Bailiff and  
Verger  
refusing to  
act.

V. And be it further enacted, That in case any Person chosen and appointed to the Office of Bailiff and Verger of the said Town and Port as aforesaid shall refuse or decline to take upon himself such Office, or having taken upon himself the same shall refuse or decline to continue to execute the same during the Time for which he is appointed, every Person so refusing or declining shall forfeit and pay the Sum of Twenty Pounds to the said Mayor and Jurats, to be by them applied to and for the Purposes of this Act; and which Penalty or Sum of Twenty Pounds shall be recovered by the said Mayor and Jurats by Action of Debt in any of His Majesty's Courts of Record at *Westminster*: Provided always, that no Person who shall have previously served the said Office of Bailiff and Verger, or shall have once paid the Penalty hereby imposed upon Persons refusing or declining to take upon themselves or continue to execute the said Office, or who shall be incapable from Age or Infirmary of executing the said Office, shall be liable to the Penalty hereby imposed upon Persons refusing or declining to take upon themselves the said Office; nor shall any Person who shall have taken upon himself the said Office, but shall remove from the said Town and Port, or become incapable from Age or Infirmary of executing the said Office, before the End of the Time for which he is appointed, be liable to the Penalty hereby imposed upon Persons refusing or declining to continue to execute the said Office; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Any Jurat  
appointed  
Bailiff, not  
to act as a  
Justice of  
the Peace.

No Jurat to  
be subject to  
Penalty for  
refusing to  
act as Bailiff  
and Verger.

VI. And be it further enacted, That every Person chosen and appointed Bailiff and Verger of the said Town and Port as aforesaid, who is a Jurat of the said Town and Port, or shall become a Jurat thereof during the Time for which he is appointed Bailiff and Verger, shall be incapable of acting as One of His Majesty's Justices of the Peace of and for the said Town and Port of *Sandwich* and its Liberties during the Time that he holds the said Office of Bailiff and Verger: Provided always, that any Person chosen and appointed Bailiff and Verger of the said Town and Port as aforesaid, who is a Jurat of the said Town and Port, or shall become a Jurat thereof during the Time for which he is appointed Bailiff and Verger, may, if he thinks fit, refuse or decline to take upon himself the said Office of Bailiff and Verger without being liable to the Penalty herein-before imposed upon  
Persons



Persons refusing to take upon themselves the said Office of Bailiff and Verger; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

VII. And be it further enacted, That such Bailiff and Verger so to be chosen and appointed as aforesaid, or his Deputy or Serjeant, shall not be the Keeper or Gaoler of the present Gaol of the said Town and Port and its Liberties, or of the new Gaol to be erected under and by virtue of this Act, nor shall such Bailiff and Verger or his Deputy or Serjeant receive and enjoy any Fees, Perquisites, or Emoluments heretofore enjoyed by the Bailiff and Verger of the said Town and Port, or his Deputy or Serjeant, as Keeper or Gaoler of the Gaol thereof, or which do or may belong to the Office of Gaoler or Keeper of the said present Gaol or new Gaol; nor shall such Bailiff and Verger be, as such Bailiff and Verger, liable or subject to the maintaining or repairing or keeping of the said present or new Gaol, or to any Costs or Expences in anywise relating to the maintaining or repairing or the keeping of the same, but such Bailiff and Verger, as such, and His Majesty, His Heirs and Successors, shall, from and immediately after the passing of this Act, be absolutely released and discharged of and from the Maintenance and Repair and Keeping of the said present or new Gaol, and all Costs, Charges, and Expences of or relating to such Maintenance and Repair and Keeping, it being the true Intent and Meaning of this Act that the Maintenance and Repair and Keeping of the Common Gaol of the said Town and Port and its Liberties, and the Costs, Charges, and Expences of and relating thereto, shall for ever hereafter be and the same are hereby charged upon the said Town and Port and its Liberties, to be borne and paid by and out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties, in the Nature of a County or Liberty Rate, in manner and with the Aid herein-after directed and provided.

Bailiff and Verger, or his Serjeant, not to be Keeper of the Gaol.

Gaol to be maintained and repaired by the Town and Port and its Liberties.

VIII. And be it further enacted, That every such Bailiff and Verger so to be chosen and appointed as aforesaid, and his Deputy or Serjeant, who shall be appointed by such Bailiff and Verger in the same Manner as the Deputies or Serjeants of the Bailiffs and Vergers of the said Town and Port have been heretofore appointed, and shall take the same Oath of Office as such former Deputies or Serjeants have taken, shall and may perform, have, and exercise all the Duties, Powers, and Authorities whatsoever within the said Town and Port and its Liberties, and shall and may receive, take, and enjoy all the Fees, Perquisites, and Emoluments, Rights, Profits, and Advantages whatsoever within the said Town and Port and its Liberties, and shall be liable and subject to all the same Burthens within the said Town and Port and its Liberties, as any former Bailiffs and Vergers appointed by His Majesty's Predecessors, or their Deputies or Serjeants, have lawfully and rightfully performed, had, and exercised, received, taken, and enjoyed, and been liable and subject to, save and except that such Bailiff and Verger, or his Deputy or Serjeant, shall not hold or enjoy, claim or demand, the Rents and Profits of, or any Estate, Right of residing in, or other Right, Title, or Interest of, in, or to the said present Gaol of the said Town and Port of *Sandwich*, with the Gaoler's House, or the said Lands hereby vested in the said Mayor and Jurats,

Bailiff and Verger, and his Serjeant, to exercise and enjoy their ancient Duties and Rights, except as regards the Gaol, and the Bailiff and Verger's Estates.

[*Local.*]

28 F

with



with their respective Appurtenances, or any of them, or the Wages and Fees of Twelve-pence a Day heretofore granted by the Letters Patent of His Majesty's Predecessors to the Bailiffs and Vergers of the said Town and Port, or any other Emoluments heretofore received from His Majesty's Predecessors, and save also and except as hereinbefore expressly provided.

Mayor and  
Jurats to  
erect a new  
Gaol within  
Three Years.

IX. And be it further enacted, That it shall and may be lawful to and for the Mayor and Jurats of the said Town and Port of *Sandwich*, and they are hereby required, within the Period of Three Years from and after the passing of this Act, to erect and build, or cause to be erected and built, a proper and sufficient Gaol and House of Correction for the said Town and Port and its Liberties, with convenient Apartments, not being less in Number than Eight Day Rooms and Twenty Night Cells, for the Reception of Felons, Debtors, and others, with proper and sufficient Yards, Courts, Outhouses, and other Conveniences, together with a convenient Residence for the Gaoler and other resident Officers; and also to lay out, design, assign, and appoint how and in what Manner the said Gaol and House of Correction, and other Erections and Buildings, and the Yards, Courts, Out-offices, and other Conveniences to the same, shall be built, erected, and made, and with what Materials, and in what particular Site and Situation the same shall be built, and how and in what Manner the same shall be supplied with Water, cleansed, and drained, and how the said Gaol and House of Correction, and the several Buildings, Courts, Yards, Out-offices, and other Conveniences to the same respectively, may and shall from Time to Time be preserved and kept in good Repair and Order, and to purchase Goods and other Effects for furnishing the same, and to make Contracts and Agreements for and concerning the same, and to do all Matters and Things requisite and necessary for carrying on and effecting the Purposes directed by this Act to be done, and for causing the same effectually to be performed, as to them shall seem meet.

For providing  
a Site for  
the new Gaol.

X. And be it further enacted, That it shall be lawful for the said Mayor and Jurats, and they are hereby authorized and empowered, to contract for the absolute Purchase in Fee Simple of any Piece or Parcel, Pieces or Parcels of Land, Tenements, or Hereditaments in the said Town and Port of *Sandwich*, or immediately adjoining thereto within the Liberties thereof, which may appear to them proper or convenient for the Uses and Purposes of this Act, and to take and use the same for the Purposes of this Act, first making Satisfaction to the Owners or Proprietors thereof: Provided always, that the Quantity of Land or Ground to be purchased, taken, or used for the Purposes of this Act shall not exceed in the whole Two Acres; and such Lands, Tenements, and Hereditaments respectively shall be conveyed to the Town Clerk and Clerk of the Peace of the said Town and Port and its Liberties, and his Successors, for the Uses and Purposes of this Act; or to such Person or Persons as the said Mayor and Jurats shall nominate and appoint, in Trust for the said Mayor and Jurats and their Successors, for the Uses and Purposes of this Act: Provided also, that nothing in this Act contained shall extend to the taking of any Dwelling House or other Building, or of any Land that is a Garden



or Orchard, or any Yard, Paddock, or Inclosure belonging to and adjoining to any Dwelling House or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively in Writing first had and obtained.

XI. And be it further enacted, That when and so soon as the said new Gaol and House of Correction to be built and erected under the Powers and Authorities of this Act shall have been erected and completed, from thenceforth the same shall be and shall to all Intents and Purposes be deemed and taken to be the Common Gaol and House of Correction of and for the said Town and Port of *Sandwich* and its Liberties, and shall be made use of as and for such Common Gaol and House of Correction, and for the Imprisonment and Confinement of Felons and Debtors and all other Persons from Time to Time committed thereto or imprisoned therein by or in due Course or Process of Law; and the Mayor and Jurats of the said Town and Port and its Liberties for the Time being, and the Gaoler or Keeper, Gaolers or Keepers for the Time being of the said present Gaol and House of Correction, until the said new Gaol and House of Correction shall be erected and completed, and afterwards of the said new Gaol and House of Correction, shall respectively be liable and answerable to all Intents and Purposes whatsoever for the safe Custody of all and every such Person and Persons as shall from Time to Time be committed to or imprisoned or confined in such present Gaol and House of Correction or new Gaol and House of Correction in such and the like Manner as the Bailiff and Verger of the said Town and Port of *Sandwich* and its Liberties, or his Deputy or Serjeant, or other Person or Persons now liable or answerable, is or are now liable or answerable in every Respect and in every Case; and the said Mayor and Jurats for the Time being shall and may have, possess, and exercise such and the like Power, Authority, and Jurisdiction over the said present Gaol and House of Correction and new Gaol and House of Correction, and over the Gaoler or Keeper, Gaolers or Keepers of the same, as the said Bailiff and Verger, or his Deputy or Serjeant, and the said Mayor or Jurats, or any or either of them respectively, now have or possess, or might lawfully have, possess, and exercise over the said present Gaol and House of Correction, and over the Gaoler or Keeper, Gaolers or Keepers thereof.

New Gaol  
to be the  
Common  
Gaol of the  
Town and  
Port and its  
Liberties.

XII. And be it further enacted, That the said Mayor and Jurats do and shall, as soon as conveniently may be after the passing of this Act, absolutely sell and dispose of the said Lands situate in the said Parishes of *Saint Clement* and *Saint Peter the Apostle* within the said Town and Port of *Sandwich*, heretofore belonging to or enjoyed by the Bailiff and Verger of the said Town and Port, and hereby vested in the said Mayor and Jurats, and do and shall, as soon as conveniently may be after all the Prisoners confined in the said present Gaol and House of Correction of the said Town and Port and its Liberties shall be removed to the said new Gaol and House of Correction, absolutely sell and dispose of the said present Gaol, with the Gaoler's House and Appurtenances, and the said present House of Correction, and the Materials thereof, either together or separately, and to such Person or Persons as shall be willing to purchase the same, for the best Price

Mayor and  
Jurats to sell  
the present  
Gaol, and  
the Bailiff  
and Verger's  
Estates.

or



Application  
of the Money  
arising from  
the Sale.

or Prices, Sum or Sums of Money that can be reasonably had and gotten for the same, and do and shall convey such present Gaol, with the Gaoler's House and present House of Correction, or the Site thereof, Lands and Premises, to the Purchaser or respective Purchasers thereof, or to such Person or Persons and in such Manner and Form as such Purchaser or respective Purchasers shall direct or appoint; and also in like Manner do and shall sell and dispose of the Furniture belonging to the said present Gaol and Gaoler's House and House of Correction, or such Part or Parts thereof as they shall think proper, and convert such Part or Parts thereof as shall not be sold or disposed of to the Use of the said new Gaol and House of Correction; and the Money arising from such Sales, after paying and defraying the necessary Costs, Charges, and Expences of, attending, and incidental to such Sales, shall be paid to the said Mayor and Jurats, or to the Treasurer or Receiver of the public Rates, Stock, or Funds of the said Town and Port and its Liberties for the Time being; (whose Receipt or Receipts for the same shall be an absolute Discharge or Discharges for the same to the Purchaser or Purchasers respectively, to all Intents and Purposes whatsoever,) in order to be applied in the first place in and towards reimbursing and defraying the Expences of, attending, and incidental to the passing of this Act, and the Expences incurred and to be incurred in purchasing a Site for, and erecting, furnishing, and completing the said new Gaol and House of Correction, and other Erections by this Act authorized to be built.

Rents of  
Lands till  
sold to be  
applied to  
the Purposes  
of this Act.

XIII. Provided always, and be it further enacted, That until the said Lands, Hereditaments, and Premises hereby vested in the said Mayor and Jurats, and directed to be sold as aforesaid, shall be sold, the Rents and Profits thereof shall be received by the said Mayor and Jurats, and applied by them to and for the same Purposes as the Monies arising from the Sale of the said Lands, Hereditaments, and Premises would have been applicable unto in case the same had been sold.

Part of the  
Bailiff's  
Lands may  
be taken for  
the Site of  
the new Gaol.

XIV. Provided always, and be it further enacted, That in case it shall seem expedient to the said Mayor and Jurats to take a Part of the said Lands and Premises hereby vested in them as aforesaid as a Site for the said new Gaol and House of Correction, it shall and may be lawful for them to take any Part of such Lands and Premises, not exceeding in the whole Two Acres, for that Purpose; and in that Case the Residue only of the said Lands, Hereditaments, and Premises hereby vested in the said Mayor and Jurats, and directed to be sold, shall be sold for the Purposes of this Act.

Mayor and  
Jurats may  
take Land of  
the Corpora-  
tion.

XV. Provided always, and be it further enacted, That in case any Part of the Land belonging to the Mayor, Jurats, and Commonalty of the said Town and Port of *Sandwich* shall seem to the said Mayor and Jurats eligible for the Site of the said new Gaol and House of Correction, it shall and may be lawful to and for the said Mayor and Jurats to purchase such Land, not exceeding Two Acres in the whole, of and from the said Mayor, Jurats, and Commonalty, and it shall and may be lawful to, and for the said Mayor and Jurats to agree with the said Mayor, Jurats, and Commonalty for the Purchase thereof:

Pro-



Provided always, that nothing herein contained shall be construed to extend to enable the said Mayor and Jurats to take any Land belonging to the said Mayor, Jurats, and Commonalty for the Purposes of this Act, without the Consent of the said Mayor, Jurats, and Commonalty under their Common Seal first had and obtained for that Purpose.

XVI. And be it further enacted, That the Residue of the Money necessary for the reimbursing and defraying the Expences of, attending, and incidental to the passing of this Act, and the Expences incurred and to be incurred in purchasing, if necessary, a Site for, and erecting, furnishing, and completing the said new Gaol and House of Correction; and other Erections hereby authorized to be built, and also the Expences of repairing, supporting, and maintaining, and, if Need should ever require it, of enlarging the said new Gaol and House of Correction, and the other Erections by this Act authorized to be built, when the same shall have been erected, completed, and furnished, and of repairing and renewing the Furniture thereof, shall be borne and defrayed by and out of the public Rates, Stock, or Funds, in the Nature of a County or Liberty Rate, raised and to be raised within the said Town and Port and its Liberties; and also the Expence of maintaining and supporting the Prisoners to be confined in the said new Gaol and House of Correction, as well as the Salary or Salaries to be paid to the Gaoler or Keeper, Gaolers or Keepers, and other Officer or Officers thereof, and all other Expences attending the same, shall also be borne and paid by and out of such public Rates, Stock, or Funds: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to authorize or empower the said Mayor and Jurats to apply or direct or order any further or greater Sum of Money in the whole than the Sum of Two thousand Pounds, and Interest thereon or on any Part thereof, in case such Sum of Two thousand Pounds, or any Part thereof, shall be borrowed, to be applied or paid out of the said public Rates, Stock, or Funds, for the Purpose of erecting and completing the said Gaol and House of Correction and other Buildings to be erected by virtue of this Act, including the Costs and Charges of and incidental to the obtaining and passing of this Act, and of purchasing, if necessary, a Site for, and furnishing the said new Gaol and House of Correction and other Buildings; or to authorize the said Mayor and Jurats to order and appoint any greater Sum or Sums of Money to be applied or paid out of the said public Rates, Stock, or Funds, for the Purpose of erecting and completing the said Gaol and House of Correction and other Buildings to be erected by virtue of this Act, including the Costs and Charges of and incidental to the obtaining and passing of this Act, and of purchasing, if necessary, a Site for, and furnishing the said new Gaol and House of Correction and other Buildings, or for the Purpose of paying any Money borrowed for these Purposes, and the Interest thereof or any Part thereof, in any one Year, than the Sum of Two hundred Pounds, including Interest on Money borrowed.

For raising the Residue of the Money necessary for executing this Act.

XVII. And whereas, under and by virtue of an Act of Parliament made and passed in the Twenty-ninth Year of His late Majesty

[*Local.*]

28 G

King



- 28 G. 2. c. 55. King George the Second, intituled *An Act for building a Bridge over the Water or Haven between the Town of Sandwich and the opposite Shore in the County of Kent*, and of an Act of Parliament made and passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road from the Town and Port of Sandwich in the County of Kent to the Towns of Margate and Ramsgate in the Isle of Thanet in the said County, and for reducing, for a limited Time, the Tolls and Duties payable at Sandwich Bridge, or One of them, certain Tolls or Dues are made payable at the said Bridge, the Surplus of which, after defraying and providing for the Expences and Purposes therein mentioned, is vested in the Mayor, Jurats, and Commonalty of the said Town and Port of Sandwich, to be laid out and applied in any public Works for the Advantage of the said Town, in such Manner as the said Mayor, Jurats, and Commonalty, at a public Meeting assembled, or the major Part of them so assembled, shall think proper: And whereas the said Mayor, Jurats, and Commonalty are willing that, in case the Expences of, attending, and incidental to the passing of this Act, and the Expences to be incurred in purchasing, if necessary, a Site for, and erecting, furnishing, and completing the said new Gaol and House of Correction and other Erections hereby authorized to be built, shall exceed the clear Sum of Money produced by the Sale of the said present Gaol, with the Gaoler's House, House of Correction, Lands, Hereditaments, and Premises herein-before directed to be sold as aforesaid, and the said Sum of Two thousand Pounds herein-before authorized to be paid out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties as aforesaid, in or towards the reimbursing and defraying of such Expences, that the Deficiency shall be borne and paid by and out of a Proportion of such Surplus of the Tolls and Duties payable at the said Bridge; be it therefore further enacted, That in case the Expences of, attending, and incidental to the passing of this Act, and the Expences to be incurred in purchasing, if necessary, a Site for, and erecting, furnishing, and completing the said new Gaol and House of Correction, and other Erections hereby authorized to be built, shall exceed the clear Sum of Money produced by the Sale of the said present Gaol, with the Gaoler's House, House of Correction, Lands, Hereditaments, and Premises herein-before directed to be sold as aforesaid, and the said Sum of Two thousand Pounds herein-before authorized to be paid out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties as aforesaid, in or towards the reimbursing and defraying of such Expences, then the Deficiency shall be borne and paid by and out of a Proportion of the said Surplus of the Tolls and Duties payable at *Sandwich Bridge*, vested in the said Mayor, Jurats, and Commonalty as aforesaid, and to that Intent such Part of the yearly Surplus of such Tolls and Duties (not exceeding One Third Part of the whole yearly Surplus of such Tolls and Duties, estimated upon the average yearly Amount of such Surplus at the Five yearly Audits of the Accounts of such Tolls and Duties immediately preceding,) as the said Mayor and Jurats shall from Time to Time direct, and who are hereby authorized and required to direct a sufficient Part of such Surplus (not exceeding One Third Part of the whole yearly Surplus of such Tolls and Duties, estimated as aforesaid,) to*

If the Expence of erecting the Gaol, &c. shall exceed the Means herein-before provided, a Portion of the Surplus of the Tolls arising under the recited Acts to be applied yearly to make up the Deficiency;



to be applied for the Purpose, shall be yearly paid to the said Mayor and Jurats, or to the said Treasurer or Receiver of the public Rates, Stock, or Funds of the said Town and Port and its Liberties for the Time being, to be applied in and towards the making good of such Deficiency, before such Surplus or any Part thereof is applied to or for any other Purpose whatsoever; or otherwise it shall and may be lawful to and for the said Mayor and Jurats, if it shall seem to them expedient so to do, to raise the Amount of such Deficiency, or any Part thereof, by a Mortgage or Mortgages of any Part of such Surplus of such Tolls and Duties (not exceeding One Third Part of the whole yearly Surplus of such Tolls and Duties, estimated as aforesaid,) and to apply the Money raised by such Mortgage or Mortgages in the Payment and making good of such Deficiency; and all and every such Mortgages or Mortgage shall be binding upon the said Mayor, Jurats, and Commonalty, and their Successors, and all and every other Persons whomsoever; and the Person or Persons to whom any such Mortgage or Mortgages shall be made or transferred shall be paid his, her, or their Interest, and upon giving Notice in Writing to the said Mayor, Jurats, and Commonalty, or to the Town Clerk of the said Town and Port for the Time being, of his, her, or their Desire to be paid his, her, or their Principal Money or Monies, then also such Principal Money or Monies, by and out of the Proportion of such Surplus of such Tolls and Duties comprised in such Mortgage or Mortgages, before any Part of such Surplus is applied to or for any other Purpose whatsoever: Provided always, that in every Case of such Principal Money or Monies being so called in, the said Mayor and Jurats may, if they think it expedient, raise and pay off the Amount of such Principal Money or Monies, or any Part thereof, by a new Mortgage or Mortgages of such Proportion as aforesaid of the said Surplus of the said Tolls and Duties in the same Manner as the Principal Money or Monies to be paid off was or were borrowed or raised.

or the Amount of such Deficiency may be raised by mortgage of such Portion of Surplus.

XVIII. And be it further enacted, That the said Mortgage or Mortgages of such Proportion as aforesaid of the said Surplus of the said Tolls and Duties, and all Transfers of such Mortgage or Mortgages respectively, shall be made in the Manner and Form or to the Effect following; (that is to say,) Form of Mortgage.

‘ **WE** *A. B.* Mayor, and *C. D., E. F., &c.*  
 ‘ Jurats of the Town and Port of *Sandwich* in the County of  
 ‘ *Kent*, acting under and by virtue of an Act passed in the Tenth  
 ‘ Year of the Reign of His present Majesty King *George* the Fourth;  
 ‘ intituled [*here insert the Title of this 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 *M. N.*  
 ‘        of        into the Hands of the Treasurer or Receiver  
 ‘ of the public Rates, Stock, or Funds of the Town and Port of  
 ‘ *Sandwich* and its Liberties, to be applied for the Purposes of the  
 ‘ said Act, grant, bargain, sell, and demise unto the said *M. N.*  
 ‘        Executors, Administrators, and Assigns, One        Part  
 ‘ of the whole yearly Surplus of the Tolls and Duties payable at  
 ‘ *Sandwich Bridge* under and by virtue of an Act passed in the  
 ‘        Twenty-



‘ Twenty-ninth Year of the Reign of His late Majesty King George  
 ‘ the Second, intituled *An Act for building a Bridge over the Water*  
 ‘ *or Haven between the Town of Sandwich and the opposite Shore in*  
 ‘ *the County of Kent*, and an Act passed in the Ninth Year of the  
 ‘ Reign of His present Majesty, intituled *An Act for more effectually*  
 ‘ *repairing the Road from the Town and Port of Sandwich in the*  
 ‘ *County of Kent to the Towns of Margate and Ramsgate in the Isle*  
 ‘ *of Thanet in the said County, and for reducing, for a limited Time,*  
 ‘ *the Tolls and Duties payable at Sandwich Bridge, or One of them,*  
 ‘ such Surplus to be estimated from Time to Time upon the average  
 ‘ yearly Amount of such Surplus at the Five yearly Audits of the  
 ‘ Accounts of the said Tolls and Duties immediately preceding, or  
 ‘ such Proportion of such Part of such Surplus of such Tolls and  
 ‘ Duties as the said Sum of                    doth or shall bear to the whole  
 ‘ Sum charged and advanced or to be charged and advanced upon  
 ‘ such Part of the said Surplus of the said Tolls and Duties for the  
 ‘ Purposes aforesaid, to be holden from the Day of the Date hereof  
 ‘ until the said Sum of                    with Interest after the Rate of  
 ‘                    per Cent. per Annum, shall be fully repaid and satisfied.  
 ‘ Given under our Hands and Seals, this                    Day of  
 ‘ in the Year of our Lord

Form of As-  
 signment of  
 Mortgage.

‘ I [or We] do hereby assign or transfer this Mortgage [if by In-  
 ‘ dorsement or if by a separate Instrument or certain Mortgage],  
 ‘ made by virtue of an Act passed in the Tenth Year of the Reign of  
 ‘ His present Majesty King George the Fourth, intituled [here insert  
 ‘ the Title of this Act], of                    Part of the Surplus of the Tolls  
 ‘ and Duties payable at *Sandwich Bridge* under and by virtue of an  
 ‘ Act passed in the Twenty-ninth Year of the Reign of His late  
 ‘ Majesty King George the Second, intituled *An Act for building a*  
 ‘ *Bridge over the Water or Haven between the Town of Sandwich and*  
 ‘ *the opposite Shore in the County of Kent*, and an Act passed in the  
 ‘ Ninth Year of the Reign of His present Majesty, intituled *An Act*  
 ‘ *for more effectually repairing the Road from the Town and Port of*  
 ‘ *Sandwich in the County of Kent to the Towns of Margate and Rams-*  
 ‘ *gate in the Isle of Thanet in the said County, and for reducing, for a*  
 ‘ *limited Time, the Tolls and Duties payable at Sandwich Bridge, or*  
 ‘ *One of them, or the Proportion of such Part of such Surplus of*  
 ‘ such Tolls and Duties comprised in such Mortgage, and all my  
 ‘ [or our] Right and Title to the Principal Money and Interest  
 ‘ thereby secured and now due thereon, unto                    of  
 ‘ Executors, Administrators, and Assigns. Witness my Hand and  
 ‘ Seal [or our Hands and Seals], this                    Day of

And all and every such Mortgages and Mortgage, Transfers and  
 Transfer, shall be registered by the Town Clerk of the said Town  
 and Port in a Book to be kept by him for the Purpose, and who shall  
 be paid the Sum of Three Shillings and Four-pence, and no more, for  
 the registering of every such Mortgage and Transfer, by the Party or  
 Parties bringing the same to him to be registered.

Mayor and  
 Jurats to  
 appoint  
 Gaoler and  
 other Officers.

XIX. And be it further enacted, That the said Mayor and Jurats  
 shall appoint a Gaoler or Keeper, Matron, and such other Officers as  
 they shall think proper, for the said present Gaol and House of  
 Correction,



Correction; until the said new Gaol and House of Correction shall be erected and completed, and then shall appoint a Gaoler or Keeper, Matron, Chaplain, and Surgeon, and such other Officers as they shall think proper, for the said new Gaol and House of Correction, and shall from Time to Time have Power to remove such Gaoler, Keeper, Matron, Chaplain, and Surgeon, and other Officers, or any of them, and to appoint others in their Stead; and such Gaoler, Keeper, and other Officers shall give such Security to the Mayor and Jurats of the said Town and Port for the Performance of their respective Duties as they the said Mayor and Jurats may think reasonable and sufficient; and such Gaoler, Keeper, Matron, or other Officers, for any Negligence or Misbehaviour in their respective Offices, may either be proceeded against on the Security so to be given, or upon Complaint made against any such Officers or Officer to the said Mayor and Jurats at any General Sessions of the Peace to be holden for the said Town and Port and its Liberties; and such Mayor and Jurats shall and they are hereby authorized and required to examine into, hear, and determine the Matter of such Complaint; and if it shall appear to them that such Officers or Officer shall have been negligent or have misbehaved in his, her, or their Office or Duty, then such Mayor and Jurats shall set and impose such Fine or Fines upon such Officers or Officer, not exceeding the Sum of Five Pounds upon each for each Offence, as in their Discretion they shall think fit; which Fine or Fines shall be levied, by Warrant under the Hands and Seals of the said Mayor and Jurats, by Distress and Sale of the Goods and Chattels of such Officer or Officers so offending.

XX. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Jurats in General Sessions, or any Adjournment thereof, from Time to Time assembled, to order such Salaries and Allowances to be paid and made to the Gaoler or Keeper, Matron, Chaplain, Surgeon, and other Officers appointed for the said present and new Gaol and House of Correction respectively by virtue of this Act, by and out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties, as to the said Mayor and Jurats shall appear reasonable and just: Provided always, that nothing herein contained shall be construed to authorize the said Mayor and Jurats to order any Salary or Allowance to be paid or made to any Bailiff and Verger to be appointed by virtue of this Act, his Deputy or Serjeant, by or out of the public Rates, Stock, and Funds of the said Town and Port and its Liberties.

Salaries and Allowances to Gaolers and other Officers.

XXI. And be it further enacted, That all and every the Fees, Perquisites, and Emoluments or Allowances which before and at the Time of the passing of this Act belonged to or were lawfully received or enjoyed by the said Bailiff or Verger of the said Town and Port of *Sandwich*, or his Deputy or Serjeant, as Keeper or Gaoler of the Gaol of the said Town and Port and its Liberties, shall, from and after the Appointment of such Gaoler or Keeper of the said present Gaol and House of Correction or new Gaol and House of Correction under and by virtue of this Act, belong to and be received and enjoyed by such Gaoler or Keeper appointed under and by virtue of this Act.

Gaoler's Fees.

[*Local.*]

28 H

XXII. And



Rules and Regulations of Acts 4 G. 4. c. 64. and 5 G. 4. c. 85. extended to this Act.

XXII. And be it further enacted, That the Rules and Regulations directed by a Statute made and passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*, and in a certain other Statute made and passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act for amending an Act of last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*, to be observed and carried into effect in the several Prisons to which such Acts extend, for the Management thereof, shall be observed and carried into effect in the said new Gaol and House of Correction to be erected and built by virtue of such Act, so far as such Rules and Regulations may be applicable or can be applied to the said new Gaol and House of Correction to be erected and built by virtue of this Act, and the Prisoners therein, and so far as such Rules and Regulations, or any of them, are not contrary or repugnant to any of the express Provisions of this Act.

Gaoler to make Returns of Prisoners to the Sessions.

XXIII. And be it further enacted, That the Gaoler or Keeper of the said present Gaol and new Gaol and House of Correction, on the Day next but one before every General Sessions of the Peace holden for the said Town and Port and its Liberties, shall make a just and true Return in Writing to the Town Clerk and Clerk of the Peace of the said Town and Port, and on the first Day of every such General Sessions of the Peace, before the Hour of Eleven of the Clock in the Forenoon, shall make a like Return to the said Mayor and Jurats in open Court, specifying the Names and Name and Age of all and every the Persons or Person in his or their Custody, the Offences or Offence of which they, he, or she have or hath been convicted, and the Sentence of the Court or Adjudication of the Justices or Justice before or by whom they, he, or she have or hath been convicted, in case they, he, or she have or hath been already convicted, or the Offences or Offence, Causes or Cause, with or for which they, he, or she are or is charged or have or hath been committed to or lodged in Prison, with the Names of the Justices or Justice or Officers or Officer by whom they, he, or she have or hath been committed to or lodged in Prison.

Mayor and Jurats to act at Sessions.

XXIV. And be it further enacted, That wherever the said Mayor and Jurats are mentioned in this Act, the Mayor and Jurats of the said Town and Port for the Time being are intended; and all and every the Matters and Things by this Act authorized and required to be done by the said Mayor and Jurats shall be done by the Mayor and Jurats for the Time being, and shall be done by them or the major Part of them assembled at a General Sessions of the Peace for the said Town and Port and its Liberties, or some Adjournment thereof, at which the Mayor and Six Jurats at the least shall be present, except in such Cases in which the contrary thereof is herein expressly enacted.

XXV. And



XXV. And be it further enacted, That all and every the Powers and Authorities, Power or Authority, given or belonging or which shall hereafter be given or belong to His Majesty's Justices of the Peace of Cities, Towns, and Liberties in general, by the public Statutes and Laws of this Realm, for the building and repairing of Gaols and Houses of Correction, and for the other Purposes provided for by this Act, and in particular the Powers and Authorities given and contained in a Statute made and passed in the Twenty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act to explain and amend an Act made in the Eleventh and Twelfth Years of the Reign of King William the Third, intituled 'An Act to enable Justices of Peace to build and repair Gaols in their respective Counties,' and for other Purposes therein mentioned*, relating to the Purchase of Land for the Purpose of erecting new Gaols and Houses of Correction, or enlarging old Gaols and Houses of Correction, and the Yards, Courts, and Outlets belonging thereto, and the Proceedings to be had in that Behalf, and relating to the providing for the Expences of building, rebuilding, enlarging, and fitting up of Gaols and Houses of Correction, and the raising and charging of the Rates of such Cities, Towns, and Liberties with, and the borrowing and taking up of Money for that Purpose, and the transferring and discharging of the Securities for the Money so borrowed or taken up, and relating to any other of the Purposes provided for by this Act, shall and may be exercised by the Mayor and Jurats of the said Town and Port, and shall and may be applicable and applied for the putting of this Act in execution, and effectuating the Purposes hereof, in all Cases and Respects not hereby expressly or fully provided for.

Power of purchasing Land and raising Money for Erection of Gaol, and other statutable Powers, vested in Mayor and Jurats.

24 G. 3. c. 54.

XXVI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of the Mayor and One Jurat, or Two Jurats, of the said Town and Port, on Complaint to them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders or Person or Persons liable to pay the same, by Warrant under the Hands and Seals of such Mayor and Jurat, or Jurats, who are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; and it shall and may be lawful for the said Mayor and Jurat, or Jurats, to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Mayor and Jurat, or Jurats, for his, her, or their Appearance on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days

Forfeitures and Penalties how to be levied and applied.

not



not being more than Six Days from the Time of taking any such Security, and which Security the said Mayor and Jurat, or Jurats, are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Mayor and Jurat, or Jurats, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Mayor and Jurat, or Jurats, shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Mayor and Jurat, or Jurats, and they are hereby required and empowered, by Warrant or Warrants under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol and House of Correction of the said Town and Port, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty or Penalties, and all Costs and Charges incident to and attending such Proceedings as aforesaid, to be ascertained by such Mayor and Jurat, or Jurats, shall be sooner paid or discharged; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied, shall be paid to the Treasurer of the said Town and Port and its Liberties, and applied for the Purposes of this Act.

Freemen and  
other Inha-  
bitants de-  
clared com-  
petent Wit-  
nesses in all  
Actions, &c.

XXVII. And be it further enacted and declared, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning any Matter or Thing contained in this Act, or any Rule, Order, or Regulation made in pursuance thereof, no Freeman of the said Town and Port, or any Inhabitant of the said Town and Port and its Liberties, or any other Person whatsoever, shall be deemed an incompetent Witness by reason of being such Freeman or Inhabitant, or by reason of paying or being liable to the Payment of the public Rates of the said Town and Port and its Liberties.

Form of  
Conviction.

XXVIII. And, for the more easy Conviction of Offenders, be it further enacted, That the Mayor and Jurat, or Jurats, before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Regulation to be made in pursuance thereof, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Words to the same Effect; *videlicet*,

‘ Town and Port of Sandwich } BE it remembered, That on the  
‘ in the County of Kent } Day of                      in the                      Year  
‘ (to wit). }  
‘ of the Reign of                      A. B. is [or are] convicted  
‘ before us                      of His Majesty’s Justices of the Peace for  
‘ the Town and Port of *Sandwich*, by virtue of an Act passed in  
‘ the Tenth Year of the Reign of His Majesty King *George* the  
‘ Fourth, intituled [*here set forth the Title of this Act*],                      of  
‘                      [*specifying the Offence, and the Time and Place when*  
‘                      and



‘ and where the same was committed, as the Case shall be, ] contrary  
 ‘ to the said Act, [or, as the Case shall be, contrary to a certain  
 ‘ made on the Day of  
 ‘ pursuant to the said Act, ] for which Offence we adjudge the said  
 ‘ to have forfeited the Sum of  
 ‘ Given under our Hands and Seals, the Day and Year first above  
 ‘ written.’

XXIX. And be it further enacted, That if any Person or Persons Appeal. shall think himself, herself, or themselves aggrieved by any Conviction in pursuance of this Act, or of any Rule, Order, or Regulation to be made by virtue thereof, and for which no other Method or Relief is by Law or by this Act otherwise appointed or directed, such Person or Persons shall and may appeal to the Mayor and Jurats at the next General Sessions of the Peace to be holden in and for the said Town and Port of *Sandwich* after the Cause of such Complaint shall have arisen, such Appellant giving or causing to be given Eight Days Notice at least of his or her Intention to bring such Appeal, and of the Matter thereof, to the Mayor and Jurat, or Jurats, before whom such Person or Persons shall have been so convicted, and to the Person or Persons who is or are intended to be affected by such Appeal, and within Four Days after such Notice entered into a Recognizance before the Mayor or some Jurat of the said Town and Port, with Two sufficient Securities, in such reasonable Sum as such Mayor or Jurat shall direct, conditioned to try such Appeal, and to abide by such Order as shall be made, and to pay such Costs as shall be awarded by the Mayor and Jurats at such Sessions; and the said Mayor and Jurats at such Sessions, or at some Adjournment thereof, shall and may summon the Witnesses both on the Part of the Appellant and Respondent to come before them, and upon due Proof of Notice having been given, and of entering into Recognizance in manner herein-before mentioned, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Restitution, Damages, and Costs to the Party or Parties appealing or appealed against as the said Mayor and Jurats shall think proper; and the Determination of the said Mayor and Jurats at such Sessions or Adjournment shall be final, binding, and conclusive.

XXX. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, or of any Rule, Order, or Regulation to be made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other 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 be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity or other wrongful Proceeding if Tender of sufficient

Distress not  
to be deemed  
unlawful for  
Want of  
Form.

Tender of  
Amends.

[*Local.*]

28 I

Amends



Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity or wrongful Proceeding 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, she, or they shall see fit, whereupon such Proceedings or Orders and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings  
not to be  
quashed for  
Want of  
Form.

XXXI. And be it further enacted, That no Rule, Order, Regulation, or other Proceeding, Matter, or Thing to be had or made in pursuance of this Act, or 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.

Mayor and  
Jurats may  
sue and be  
sued in the  
Name of the  
Town Clerk  
and Clerk of  
the Peace.

XXXII. And be it further enacted, That the said Mayor and Jurats may sue and be sued, for or concerning any thing which shall be done by virtue or in pursuance of this Act, in the Name of the Town Clerk and Clerk of the Peace for the Time being; and no Action or Suit so to be brought or commenced by or against the said Mayor and Jurats shall abate or be discontinued by the Death, Removal, or Default of any such Town Clerk and Clerk of the Peace, but shall be continued and carried on in the Name of the Town Clerk and Clerk of the Peace for the Time being in whose Name the same shall have been brought; and the Town Clerk and Clerk of the Peace for the Time being shall always be Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that all Costs and Expences to be incurred by the said Town Clerk and Clerk of the Peace for the Time being in prosecuting or defending any Action or Suit touching the Execution of this Act shall be defrayed out of any Money collected or received under the Provisions of this Act: Provided also, that such Town Clerk and Clerk of the Peace shall not on that Account be deemed an incompetent Witness in any such Action or Suit, except only in such Action or Suit as shall be on his own personal Account.

Limitation  
of Actions.

XXXIII. And be it further enacted, That no Action at Law shall be commenced against any Person or Persons for any thing done or omitted to be done by virtue of this Act, or of any Rule, Order, or Regulation to be made in pursuance thereof, until after Seven Days Notice thereof shall have been given to or left at the usual Place of Abode of the Person or Persons against whom such Action is intended to be brought, and to the Town Clerk and Clerk of the Peace for the said Town for the Time being, signed by the intended Plaintiff or Plaintiffs, thereby setting forth the particular Cause of



such Action, nor after Tender of sufficient Amends shall have been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Cause of such Action shall have arisen; and every such Action shall be brought and laid in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action 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 by virtue and under the Authority of this Act, or of any Rule, Order, or Regulation made in pursuance thereof; and if on the Trial of such Action it shall appear to have been so done, or that such Action be brought before Seven Days Notice thereof shall be given or left as aforesaid, or after Tender of sufficient Amends shall have been made to the Party or Parties aggrieved, or after the End of Six Calendar Months next after the Cause of such Action shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, then and in every or any of the said Cases the Jury on the Trial of any such Action shall find a Verdict for the Defendant or Defendants therein.

General  
Issue.

XXXIV. And be it further enacted, That nothing herein contained shall extend or be construed to extend to take away, lessen, diminish, or derogate from any of the Prerogatives, Estates, Rights, Interests, Immunities, Franchises, and Privileges of the King's Majesty, His Heirs or Successors, or of the Lord Warden of the Cinque Ports or his Successors, or of the Mayor, Jurats, and Commonalty of the said Town and Port of *Sandwich*, further or otherwise than is herein-before expressly contained and enacted.

Saving of  
Rights.

XXXV. 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.

Public Act.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1829.



