



ANNO SEPTIMO & OCTAVO

GEORGIIV. REGIS.

Cap. cxi.

An Act for building a new Gaol for the Town of *Cambridge*, and for other Purposes connected therewith. [23d *June* 1827.]

WHEREAS the present Common Gaol and House of Correction in and for the Town of *Cambridge* in the County of *Cambridge*, situate in the Parish of *Saint Andrew the Great* in the said Town and County, is too small, insecure, and unfit for the proper Accommodation of the Prisoners usually confined therein: And whereas the said Common Gaol was, at the *Midsummer* General Quarter Sessions of the Peace held in and for the said Town on the Fourteenth Day of *July* One thousand eight hundred and twenty-three, presented by the Grand Jury of the said Town as altogether inefficient for the Security of those Persons confined within its Walls, as injurious to the Health of the Prisoners from its limited Space, and further presented that its present Site was improper: And whereas the said Common Gaol was, at the *Michaelmas* General Quarter Sessions of the Peace held in and for the said Town on the Thirteenth Day of *October* One thousand eight hundred and twenty-three, again presented by the Grand Jury of the said Town, and a new Gaol upon a much larger Scale recommended to be erected, so as to admit of the proper Classification of the various Prisoners: And whereas it is highly expedient, and will be of great public Utility, that a new Common Gaol and House of Correction, with all necessary Conveniences, should be speedily erected and built in a more open and

[*Local.*] 31 U airy

Power to
Justices to
erect a new
Gaol.

airy or some other Part of the said Town of *Cambridge*, or in the Neighbourhood thereof, and Provision made for the Separation, Employment, and Regulation of the Prisoners confined therein, but which cannot be effected by the Laws now in force; it is therefore requisite and necessary for that Purpose to have the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Justices of the Peace for the Time being, acting in and for the Town of *Cambridge* in the County of *Cambridge*, to erect and build, or cause to be erected and built, a proper and sufficient new Common Gaol and House of Correction for the said Town of *Cambridge*, with convenient Apartments for the Reception of Debtors, Criminals, and others, with proper and sufficient Yards, Courts, Out-offices, and other Conveniences, and also an Infirmary or Apartment for sick and infirm Prisoners, together with a convenient Residence for the Gaoler or other Officer; and also to lay out, design, assign, and appoint how and in what Manner the said Gaol 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 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 other 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 perfected, as to them shall seem meet.

Justices em-
powered to
purchase
Land for Site
of new Gaol.

II. And be it further enacted, That it shall be lawful for the said Justices, and they are hereby authorized and empowered, to contract for the absolute Purchase, in Fee Simple or otherwise, of the Piece or Parcel of Land or Ground mentioned or comprised in the Schedule hereunto annexed, or of any other Piece or Parcel, Pieces or Parcels of Land, Tenements, or Hereditaments, in the said Town of *Cambridge* in the said County of *Cambridge*, or within One Mile thereof or of the Precincts 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 or tendering Satisfaction in manner herein-after mentioned 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 Clerk of the Peace for the said Town of *Cambridge*, and his Successors, for the Uses and Purposes of this Act, or to such Person or Persons as the said Justices, or the major Part of them at the General Quarter Sessions for the

Not to ex-
ceed Two
Acres, and to
be conveyed
to the Clerk
of the Peace
for the said
Town.

said Town or at any adjourned Quarter Sessions for the same assembled, shall nominate and appoint, in Trust for the said Justices of the Peace for the said Town, and their Successors, for the Uses and Purposes of this Act: Provided also, that nothing in this Act contained shall extend to the taking in of any of the Grounds, Walks, Gardens, or Lands belonging to the Chancellor, Masters, and Scholars of the University of *Cambridge*, or to any of the Colleges or Halls in the same, or to give Power to purchase any Land or Ground for the Purposes aforesaid, or to build or erect any such Gaol and House of Correction, within the Distance of Two hundred Yards from the Sites of any of the public Buildings belonging to the said University or any of the Colleges or Halls, or the Plantations, Pleasure Ground, Walks, or Gardens belonging to the same, without the express Licence and Consent of the said Chancellor, Masters, and Scholars of the said University, or of such College or Hall, first had and obtained under their respective Common Seal nor to the taking down of any Dwelling House or other Building, or to the taking in of any Land that is a Garden or Orchard, or any Yard, Park, Paddock, or Inclosure 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; neither shall this Act extend to the present Common Gaol and House of Correction for the County of *Cambridge*, or to the Ground and Premises adjoining or belonging thereto.

III. And be it further enacted, That the said Common Gaol and House of Correction for the said Town of *Cambridge* which shall hereafter be built, together with the Ground whereon the same shall stand, and every Court, Yard, Building, and Appurtenance thereunto belonging, with every Addition which shall hereafter be made thereto, in case the said Common Gaol and House of Correction, Court, Yard, Building, Appurtenant, or Addition, shall be situate without the Limits of the said Town, but within One Mile thereof, the said Common Gaol and House of Correction, Court, Yard, Building, Appurtenant, or Addition, shall notwithstanding be deemed and taken to be Part of the said Town of *Cambridge*, for which the same shall be so used as a Gaol and House of Correction, so long as the same shall be so used and no longer; and the Mayors, Justices of the Peace, Coroners, Constables, and other Officers of the said Town shall, during the Time that the same shall be so used, have as full Power and Authority therein as they would have had if the same was situate within the Limit of the said Town, any Charter, Law, or Usage to the contrary thereof notwithstanding.

Gaol, if built without the Limit of the Town, declared to be within the same.

IV. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Feoffees, Trustees, and Committees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their respective Wives, Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert

Bodies Politic, &c. enabled to sell.

Indemnification to Parties conveying.

Covert who are or shall be seised or interested in their own Right, and to and for all and every Persons and Person whomsoever who are or shall be seised or possessed of or interested in the said Piece or Parcel, Pieces or Parcels of Lands, Tenements, Hereditaments, and Premises which may be deemed necessary for the Purposes of this Act as aforesaid, to contract and agree with the said Justices for the Sale thereof or of their Interest therein, and they are hereby respectively required and directed so to contract and agree, and to convey the same unto the said Clerk of the Peace, or to such Person or Persons as the said Justices shall appoint as aforesaid, for the Uses and Purposes and according to the Intent and Meaning of this Act; and all Sales, Contracts, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Settlement, Limitation, or other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, General or Special, or Person or Persons having a qualified or partial Estate or Interest, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and they are hereby indemnified for making the same, and for what they shall do in pursuance of this Act.

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

V. And be it further enacted, That in case any such Body Politic, Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenants for Life or in Tail, General or Special, or Person or Persons having a qualified or partial Estate or Interest, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in the said Piece or Parcel, Pieces or Parcels of Lands, Tenements, or Hereditaments, or any Part or Parts thereof, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession, shall, for the Space of Fourteen Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Justices shall cause the Value of such Lands, Tenements, or Hereditaments, and what Damage or Injury will be sustained by, and what Recompence and Satisfaction shall be made to the Person or Persons interested, for and on account of the taking of such Piece or Parcel, Pieces or Parcels of Land, Tenements, or Hereditaments for the Purposes aforesaid, to be inquired into and ascertained by a Special Jury of Twelve indifferent Men of the County of *Cambridge* qualified to serve on Juries for the Trial of Issues in His Majesty's Courts of Record at *Westminster*; and in order thereto the said Justices are hereby empowered and required from Time to Time, as Occasion shall be, to summon and call before such Jury and to examine upon Oath any Person or Persons whomsoever; and such Justices shall, by ordering a View or otherwise, use all Ways and Means, as well for their own Information as for the Information of the said Jury in the Premises; and after the said Jury shall have inquired

Persons may be examined upon Oath.

inquired of and assessed the Value of such Piece or Parcel, Pieces or Parcels of Land, Tenements, or Hereditaments respectively, and such Recompence and Satisfaction as aforesaid, they the said Justices shall order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Piece or Parcel, Pieces or Parcels of Land, Tenements, or Hereditaments respectively, according to the Verdict and Inquisition of such Jury; which said Verdict and Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as for all other Persons whomsoever; and for summoning and returning such Juries the said Justices are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Cambridge*, requiring the said Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Special Juries, to appear before the said Justices at such Time and Place as in such Warrant or Warrants shall be appointed, such Time not being less than Fourteen Days nor more than Twenty-eight Days after such Warrant shall be served upon the said Sheriff; and Fourteen Days Notice at the least, in Writing under the Hands of the said Justice, is hereby required to be given to such Person or Persons interested in the said Piece or Parcel, Pieces or Parcels of Land, Tenements, and Hereditaments, of the Time and Place of the said Jury being so impanelled, summoned, and returned; and such Sheriff is hereby required accordingly to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Justices shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, such Sheriff, or the Under Sheriff or Under Sheriffs, Bailiff or Bailiffs, or the said Justices, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they shall come to be sworn; and the said Justices shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, Under Sheriff, or Bailiff, making Default in the Premises, and on any of the Persons who shall be summoned and returned upon such Jury and shall not appear without some sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear without some sufficient Excuse, or appearing shall refuse to be sworn or examined or to give Evidence, so that no such Fine be more than Twenty Pounds on any

Verdict of
Jury to be
final.

Sheriffs to
summon
Jury.

Jury to be
sworn.

Justices may
fine Sheriffs,
&c.

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such

such Sheriff or Under Sheriff, nor more than Ten Pounds on any other Persons, for One Offence.

Persons giving false Evidence may be prosecuted.

VI. And be it further enacted, That all Persons who, in any Examination to be taken upon Oath by virtue of this Act, shall wilfully and corruptly give false Evidence or otherwise forswear themselves before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of Perjury are by the Laws in being subject and liable to.

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

VII. And be it further enacted, That each and every Verdict so given, and the Order, Adjudgment, and Determination of the said Justices thereupon, shall be set down in Writing under the Hands and Seals of the Justices who shall make the same, and shall be transmitted to and kept by the Clerk of the Peace for the said Town of *Cambridge*, or such Person having Custody of the Records of the Quarter Sessions for the said Town, and shall be deposited with and deemed to be the Records of such Quarter Sessions, to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence and no more, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

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

VIII. And be it further enacted, That in every Case where the said Jury shall award a greater Sum than shall have been previously offered or tendered by the said Justices for the Purchase of any Lands, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expence of Witnesses, shall be defrayed by the said Justices out of the Money arising by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the Town or County of *Cambridge*, not interested in the Matter in question, (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Twenty Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Justices, or of the Treasurer of the said Town (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for such Town or County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences;

but

but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Justices, then and in every such Case Two Thirds of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Justices shall have such Controversy or Dispute, and One Third thereof shall be defrayed by the said Justices out of the Monies to be raised under this Act; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace of such Town or County in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Justices in manner aforesaid.

IX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Land, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Justices of the Peace for building a new Gaol in and for the Town of *Cambridge*, together with the Name or Names of such Person or Persons as the said Justices shall by Writing signed by them direct or appoint, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Rules of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Land, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Land, Tenements, or Hereditaments, or affecting other Land, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes;

Application of Compensation Money if amounting to 200*l.*

1 G. 4. c. 35.

or

or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Land, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Land, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Land, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and not less than 20*l.*

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

When less than 20*l.*

XI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Land,

Land, Tenements, or Hereditaments so taken, purchased, or used for the Purposes of this Act, as the said Justices shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

XII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Justices, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Land, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall and may be lawful for the said Justices to order the said Sum or Sums so awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Land, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such further Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making a good Title, &c. Money to be paid into the Bank.

XIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Land, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall be in Possession of such Land, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Land, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it

Where any Question shall arise touching the Title to such Money.

shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Land, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XIV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Land, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Land, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Justices, who shall from Time to Time pay such Sums of Money out of the Money arising by virtue of this Act for such Purposes as the said Court shall direct.

Power to take Possession of Land, &c. on Payment or Tender of Purchase Money.

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

XVI. And

XVI. And be it further enacted, That every Mortgagee of any Land, Tenements, or Hereditaments which shall be so contracted for and purchased as aforesaid in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, on having Three Calendar Months Notice in Writing given to him, her, or them, from the said Justices, for paying off the Principal Money and Interest which shall be due to such Mortgagees respectively, shall, at the Expiration of the said Three Calendar Months after such Notice, on Payment or Tender of the Principal Money and Interest which shall be then due, convey and assign his, her, and their respective Estates and Interests in and to the said mortgaged Premises to the said Clerk of the Peace for the Town of *Cambridge* and his Successors, for the Uses and Purposes of this Act, or to such Person or Persons as the said Justices, or the major Part of them at the General Quarter Sessions for the said Town or at any adjourned Quarter Sessions for the same assembled, shall nominate or appoint, in Trust for the said Justices of the Peace for the said Town and their Successors, for the Uses and Purposes of this Act; and if any such Mortgagee, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do, then all such Interest on every such Mortgage, from the Expiration of the said Three Calendar Months after any such Notice, shall cease and determine, any Law or Custom to the contrary notwithstanding.

Mortgagees
to convey.

XVII. And be it further enacted, That in case the said Justices, or any Person authorized by them, shall, after any Land, Tenements, or Hereditaments shall have been purchased in pursuance of this Act, give Three Calendar Months Notice in Writing to all or any of the Tenants or Occupiers of any such Land, Tenements, or Hereditaments, to give or deliver up the Possession thereof, then every such Tenant or Occupier shall at the End of such Three Calendar Months peaceably and quietly deliver and yield up the Possession of the said Premises so by him, her, or them respectively held or occupied, whether upon Demise, Lease, or otherwise, to the said Justices, or the Person or Persons who shall be appointed by them to take Possession thereof; and all Leases, Demises, or Agreements for renting or holding the same at Rack Rent or otherwise, theretofore made, shall from the End of the said Three Calendar Months be absolutely void and of none Effect as against the said Justices or any of them, and as against the said Mayor, Bailiffs, and Burgesses, and their Successors; and if any Person so in Possession, after having received such Satisfaction and Compensation or Tender made thereof as aforesaid, shall refuse to give up such Possession at the Expiration of such Three Calendar Months after such Notice, all reasonable Satisfaction being first made or tendered (such Satisfaction, in case of any Difference or Dispute concerning the same, to be adjusted and settled by a Jury in like Manner as the Price of any Land to be taken in pursuance of this Act is herein-before directed to be settled in case of Difference or Dispute concerning the Value thereof,) it shall and may be lawful for the said Justices or any Two or more of them to issue their Precept to the Constables of the said Town of *Cambridge* for the Time being, or to any or either of them, to cause Possession thereof to be delivered up to such Person or Persons as shall be

Occupiers at
Rack Rent
to give up
Premises
purchased
after Three
Months
Notice.

Manner of
Proceeding
in case of
Refusal.

be in such Precept or Precepts nominated to receive the same; and the said Constable or Constables is and are hereby respectively required to deliver Possession according to such Precept or Precepts of the Premises therein mentioned, and to levy such Costs as shall accrue by means of the issuing and executing of every such Precept or Precepts, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall neglect or refuse to pay such Costs on Demand, the same to be ascertained and settled by the said Justices, who are hereby empowered and required to ascertain and settle the same.

Form of
Conveyance.

XVIII. And be it further enacted, That all Conveyances and Assurances of any Land, Tenements, or Hereditaments to be made to the said Clerk of the Peace for the said Town, or to such Person as the said Justices of the Peace for the said Town of *Cambridge* shall nominate and appoint by virtue of this Act, shall be made in the Manner and Form to the Effect following; (that is to say,)

‘ I *A. B.* of _____ in consideration of the Sum of _____
 ‘ paid by the Justices acting by virtue of an Act passed in the
 ‘ Eighth Year of the Reign of His present Majesty King *George* the
 ‘ Fourth, intituled *An Act* [*here insert the Title of this Act,*] do hereby
 ‘ grant and release to _____ [*naming him*] Clerk of the Peace
 ‘ for the Town of *Cambridge*, his Heirs and Successors, in Trust for
 ‘ the Uses and Purposes of the said Act, [*or such other Person, naming*
 ‘ *him, as the said Justices may appoint, as the Case may be,*] all [*here*
 ‘ *describe the Premises,*] and all and every Estate, Right, Title, and
 ‘ Interest of, in, and to the same and every Part thereof, to hold to
 ‘ the said _____ [*naming him*] his Heirs and Successors,
 ‘ [*or the Person nominated by the said Justices,*] for ever. In witness
 ‘ whereof I have hereunto set my Hand and Seal this _____
 ‘ Day of _____ in the Year of our Lord _____?’

And every such Conveyance and Assurance so made shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as to and against the Person or Persons making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy as aforesaid; and the same shall be deemed and taken to bar the Dower and Dowery of the Wife and Wives of such Person and Persons, and all Estates Tail, and all Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person or Persons, and every Person claiming or to claim under them respectively, as effectually as Fines and Common Recoveries would do, if levied and suffered by the Parties interested, and such Parties had been adult and without Impediment or Disability; any Law, Statute, or Usage to the contrary notwithstanding.

Materials
vested in the
Justices.

XIX. And be it further enacted, That all Timber, Stone, and Brick, and other Materials to be made use of, or which shall be collected to be made use of by Order of the said Justices, for building and completing the said new Gaol and House of Correction or other Buildings or Work carrying on for the Purposes of this Act, and which may not be the immediate Property of their Agents and Contractors, shall be and the same are hereby vested in the said Justices, and they are hereby

hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name of the Clerk of the Peace for the said Town, or to prefer or cause to be preferred any Bill or Bills of Indictment against and prosecute any Person or Persons who shall steal, take away, or damage any such Materials, or disturb them in the Possession thereof or any Part thereof; and in any Action so to be brought, and every Bill or Bills of Indictment so to be preferred, it shall be sufficient to state generally any such Timber, Stone, Brick, or other Materials to be the Property of the Justices of the Peace for the Town of *Cambridge*, without particularly stating or specifying the Names or Name of all or any of the said Justices.

XX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, pull down, or destroy the said new Gaol or House of Correction, or any Boundary Wall thereof, or any other Building to be erected pursuant to the Directions of this Act, or any Part or Parts thereof, every Person so offending shall be guilty of Misdemeanor, and being lawfully convicted thereof shall be subject and liable to the like Penalties and Punishments as Persons convicted of Misdemeanor are by Law subject and liable to; and the Court by and before whom any such Person shall be tried and convicted, or any subsequent Court with the like Authority, shall have Power and Authority to adjudge and order such Person to be punished in like Manner as Persons convicted of Misdemeanor are directed to be punished by the Laws and Statutes of this Realm.

For punish-
ing Persons
damaging
the Buildings.

XXI. 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 respectively have been erected and completed, from thenceforth the said new Gaol shall be and shall to all Intents and Purposes be deemed and taken to be the Common Gaol of and for the said Town of *Cambridge*, and shall be appropriated and made use of as and for such Common Gaol, and for the Imprisonment and Confinement of Felons and Debtors, and all other Persons from Time to Time committed thereto or imprisoned therein in Course or Process of Law, and thenceforth the said new House of Correction shall be and shall be deemed and taken to be the Common House of Correction of and for the said Town, and shall be appropriated and made use of as such, and for the Imprisonment and Confinement of all Persons from Time to Time committed thereto or imprisoned or confined therein by or in Course or Process of Law; and the Mayor for the Time being of the said Town, and the Gaoler or Keeper or respective Gaolers or Keepers for the Time being 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 their respective Custodies, or be imprisoned or confined in the said new Gaol and House of Correction respectively, in such and the like Manner as the said Mayor and the said Gaoler or Keeper of the said present Gaol now is liable or answerable in every respect and in every Case; and the Justices of the Peace for the Time being for the said Town of *Cambridge* shall have, possess, and exercise such and the like Power,

New Gaol to
be the Com-
mon Gaol
of the Town,
and be main-
tained and re-
paired accord-
ingly.

Authority, and Jurisdiction over the said new Gaol and House of Correction respectively, and over the respective Gaolers or Keepers of the same, as they the said Justices or any of them respectively now have or possess, or might lawfully have, possess, and exercise, over the said present Gaol and over the Gaoler or Keeper thereof; and also that the said new Gaol and House of Correction, and the Buildings thereunto belonging, and the Furniture thereof respectively, when the same shall have been erected, completed, and furnished as aforesaid, shall in future be repaired, supported, maintained, and provided by and out of such Rates, Stock, or Funds of the said Town of *Cambridge* as are now legally applicable to the like Purposes in respect to the present Gaol, 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 Keeper or Keepers thereof respectively, and all other Salaries and Expences attending the same, shall also be paid out of the Rates aforesaid, as likewise the Expences attendant upon the Collection of the said Rates; and that the said new Gaol and House of Correction, Buildings and Furniture respectively, shall from Time to Time be insured in the Name of the Treasurer for the Time being from Loss or Damage by Fire, [in such Sum or Sums of Money, in such Assurance Office or Offices as the Justices of the Peace for the said Town, assembled at any General Quarter Sessions or at any Adjournment thereof, or the major Part of them, shall from Time to Time direct, order, or appoint; and the Premium or Premiums upon and other Expences attending such several Insurances shall be paid and defrayed by and out of the Rates, Stocks, or Funds aforesaid for the Time being; and the said Justices so assembled as aforesaid, or the major Part of them, shall and may and are hereby authorized and empowered to make such Orders as shall and may be necessary or proper for effecting the several Purposes aforesaid; and in the Event of the said Gaol and House of Correction being destroyed by Fire, the Money to arise from such Insurance to be applied in rebuilding the said Gaol and House of Correction under the Powers and Authorities of this Act and agreeable thereto; and all the Clauses, Powers, Authorities, Provisoos, and Agreements herein contained, shall extend and be used and applied to the Gaol and House of Correction so to be rebuilt, in the same Manner as the same are meant to be applied to the intended new Gaol and House of Correction.

Old Gaol to
be sold.

XXII. And whereas the Site of the present Common Gaol for the Town of *Cambridge*, situate in the Parish of *Saint Andrew the Great* in the said Town, is now vested in and is the Property of the Trustees or Feoffees of a certain Charity called *Hobson's Charity* in the said Town of *Cambridge*, the said Site having been originally gratuitously allowed to be built upon for the Convenience of the said Town; and it is expedient, in order to carry into Execution the Purposes of this Act, that the Buildings and Materials of the said Gaol should be sold or disposed of, and the Monies arising by the Sale thereof applied to the Purposes of this Act; be it therefore further enacted, That after all the Prisoners that shall then be confined in the present Common Gaol of the said Town of *Cambridge* shall, as herein directed, be removed to the said new Gaol and House of Correction, it shall

be lawful for the said Justices, and they are hereby required, to cause the said present Common Gaol for the said Town, with the Appurtenances and the Materials thereof, to be sold and disposed of to such Person or Persons as shall be willing or desirous to contract for or purchase the same, and either in One or more Lot or Lots, and in such Manner as to the said Justices shall seem proper, and also in like Manner to sell and dispose of the Furniture belonging to the said present Gaol, or such Part or Parts thereof as they shall think proper, and to convert such Part 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 thereby (after paying and discharging the necessary Costs, Charges, and Expences attending and incidental to such Sale,) shall be paid to the said Justices, or to the Treasurer, for the Time being, in order to be applied in defraying the Expences incurred in erecting, furnishing, and completing the said new Gaol and House of Correction, and other Erections by this Act authorized to be built.

XXIII. And, for raising Money for and towards the Purposes of this Act, be it further enacted, That from and after the passing of this Act the said Justices, or any Three or more of them, shall and may, yearly and every Year, ascertain and determine what Sum or Sums of Money they shall judge necessary to be assessed and raised for the Purposes of this Act on the said Town of *Cambridge* for the Year then next following, and shall thereupon order and appoint every such Sum or Sums of Money to be raised and levied by Taxation of all Lands, Houses, Buildings, Tenements, and Hereditaments whatsoever within the said Town of *Cambridge*, or of all and every the Owners or Occupiers in right thereof respectively, in equal Proportions, according to their Worth and Values; and in order thereto the said Justices, or any Three or more of them, are hereby authorized and empowered indifferently to proportion-out the said Sum or Sums of Money upon each Parish, Ward, or Precinct within the said Town of *Cambridge*, in such like Manner and Proportion on each such Parish, Ward, or Precinct, and by Warrant under their Hands and Seals, or the Hands and Seals of any Three or more of them, to authorize and require the Person or Persons appointed Collector or Collectors for the Time being of the said Rate or Rates, Assessment or Assessments of each respective Parish, Ward, and Precinct within the said Town, to assess, demand, collect, and receive the same respectively.

For raising Money.

XXIV. Provided always, and be it further enacted, That no public Buildings, or the Sites thereof, with the Appurtenances, nor any Colleges, Halls, or other Buildings, Woods, Gardens, Grounds, Walks, or Lands, with the Appurtenances, belonging to and in the actual Occupation and Manurance of the Chancellor, Masters, and Scholars of the University of *Cambridge*, or the Masters or other Heads, Fellows and Scholars of the several Colleges and Halls within the said University, or any or either of them, shall be rated towards the building of the said intended Gaol and House of Correction, which at the Time of passing this Act were legally exempted from the Liability of being rated towards the Repairs and Maintenance of the existing Common Gaol and House of Correction of the Town of *Cambridge*; and

Exempting the University from Payment of Rates, if legally exempt therefrom at the Time of passing this Act.

and that in case any Rate [shall hereafter be made on the said Chancellor, Masters, and Scholars, or on the Masters or other Heads, Fellows and Scholars of the said several Colleges or Halls within the said University, or any or either of them, in respect of any of the before-mentioned public Buildings and other Premises or any Part thereof, that then and in every such Case the Liability to be rated in respect to any such Premises shall and may be litigated, contested, tried, and determined, in the same Manner, to all Intents and Purposes whatsoever, as if this Act had not been made and passed; and this Act shall not be construed to extend to make the said Chancellor, Masters, and Scholars of the said University, and the Masters or other Heads, Fellows and Scholars of the said several Colleges and Halls within the said University, liable to pay any Rates to be levied and paid under this Act in respect of the before-mentioned Premises, unless they would have been so liable previous to the passing of this Act, to the Repairs and Maintenance of the existing Gaol and House of Correction.

Limiting the
Sum to be
raised.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to authorize and empower the said Justices to have any further or greater Sum of Money raised in the whole, by way of Rate, than the Sum of Fifteen thousand Pounds for the Purpose of erecting and completing the said Common Gaol and other Buildings to be erected by virtue of this Act, or any other the Purposes of this Act, including the Costs and Charges of obtaining and passing this Act, and of furnishing the said new Gaol and House of Correction and other Buildings; nor to authorize or empower the said Justices to order and appoint any greater Sum or Sums of Money to be raised by such Rate or Taxation in any One Year than Four thousand Pounds.

For Recovery
of Rates.

XXVI. And be it further enacted, That if any Person or Persons liable to the Payment of any such Rates or Assessments shall refuse or neglect to pay the same by the Space of Fourteen Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof, and delivered to or left at the usual Place of Abode of such Person or Persons, signed, by any Person or Persons by virtue of this Act appointed Collector or Collectors of such Money so rated or assessed, then and in every such Case it shall be lawful for such Collector or Collectors, and he and they is and are hereby respectively authorized and required, by Warrant under the Hands and Seals of any Two or more Justices of the Peace acting in and for the said Town of *Cambridge* (which Warrant such Justices are hereby authorized and required to grant, upon Proof being made upon Oath of the Demand and Nonpayment thereof as aforesaid, and which Oath or Oaths the said Justices are hereby authorized and required to administer), to levy all and every such Rates or Assessments by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the same; and if within Five Days after such Distress or Distresses shall be made the said respective Rates or Assessments and all Arrears thereof shall not be paid, together with the Costs and Charges of taking and keeping the same, the said Collector or Collectors shall cause the said Goods and Chattels, or a sufficient

sufficient Part thereof, to be appraised and sold, rendering to the Owner the Overplus (if any there be), after deducting the said Rates or Assessments and all Arrears thereof, and the reasonable Costs and Charges attending such Distress and Sale; which Costs and Charges, in case of Dispute, shall be settled and ascertained by any Two or more of His Majesty's Justices of the Peace for the said Town.

XXVII. And be it further enacted, That the Sum and Sums of Money so to be rated and assessed as aforesaid shall be paid by the Tenants or Occupiers of the Premises respectively which shall be so assessed; and all Tenants and Occupiers at Rack Rent respectively shall and may deduct and retain, out of the Rents payable to the Landlords or Owners of such Premises respectively, One Third Part of such Money as shall be respectively assessed and paid, when so paid; and the said Landlords, mediate or immediate, according to their respective Interest, are hereby required to allow such Tenants or Occupiers at Rack Rent respectively such Third Part accordingly; and every such Tenant or Occupier shall be acquitted and discharged for such Third Part, in such Manner and as fully and effectually as if the same had been actually paid as Rent to such Landlord or Landlords, or other Person or Persons respectively to whom his, her, or their Rent was or should have been paid or payable.

Rates to be paid by the Tenants, and a Third thereof to be allowed them by their Landlords.

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

Not to make void any Agreement between Landlord and Tenant.

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

Concerning Persons removing out of Parishes.

XXX. And whereas it may be necessary to borrow Monies upon the Credit of this Act, for the more speedy and effectual carrying into Execution the Purposes thereof; be it therefore enacted, That it shall and may be lawful for the said Justices from Time to Time, and they are hereby empowered, to borrow and take up on Mortgage of

Rates may be mortgaged for Monies borrowed.

the said Rates and Assessments such Sum or Sums of Money as to them shall appear necessary and expedient for the Purposes aforesaid, at legal or lower Interest ; and every such Mortgage for securing the Payment of such Sum or Sums of Money and Interest shall be signed by the said Justices, or any Two or more of them, at a Meeting to be held under and by virtue of this Act, and all such Mortgages shall be clear of all Fees and Expences whatsoever to the Persons respectively so advancing the Money ; and Copies of all and every such Mortgages shall be entered into a Book or Books to be kept by the Clerk of the Peace for the said Town, and all Persons to whom such Mortgages shall be given are hereby empowered, by Writing or Writings under his or their Hand or respective Hands, indorsed on the Back of such Mortgages, to sell, assign, or transfer such Mortgages and Securities respectively to any Person or Persons whomsoever, who shall thereupon be entitled to the Benefit thereof and Payment thereon, and he, she, or they may in like Manner sell and assign or transfer the same again, and so *toties quoties*; and all such Transfers and Assignments to be made (previous to any subsequent Payment in respect of the same,) shall be entered and copied by the said Clerk of the Peace for the said Town in the Book or Books to be kept by him for the Purpose of entering and copying the said Mortgages and Securities, for each of which Entries he shall receive the Sum of Sixpence for every Seventy-two Words, and no more, from the Person or Persons to whom such Assignments shall be made ; and all and every Person and Persons to whom such Mortgages or Securities, or Transfer or Assignment thereof respectively, shall be made or given, shall be Creditors on the said Rates and Assessments equally with one another, without regard to the Priority of Date of each or any such Mortgage or Security.

Mortgages to be entered by the Clerk in a Book, and may be transferred by Indorsement.

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

Form of Mortgage.

WE, _____ of His Majesty's Justices of the Peace of the Town of *Cambridge*, acting under and by virtue of an Act passed in the Eighth 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 _____ by *A. B.* of _____ into the Hands of the Treasurer for the Time being, to be applied for the Purposes thereof, grant, bargain, sell, and demise unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates and Assessments raised and collected for the Purposes of the said Act as the said Sum of _____ doth or shall bear to the whole Sum charged and advanced, or to be charged and advanced, upon the said Rates and Assessments, to be holden from the Day of the Date hereof, until the said Sum of _____ with Interest after the Rate of _____ *per Centum per Annum*, shall be fully repaid and satisfied. Given under our Hands this _____ Day of _____ in the Year of our Lord

‘ I [or We] do hereby assign and transfer this Mortgage [if by
 ‘ Indorsement, or if by a separate Instrument, a certain Mortgage] Form of
Transfer of
Mortgage.
 ‘ bearing Date the Day of of the Rates and
 ‘ Assessments raised and collected by virtue of an Act passed in
 ‘ the Eighth Year of the Reign of His present Majesty King George
 ‘ the Fourth, intituled [*here insert the Title of this Act*], and all my
 ‘ Right and Title to the Principal Money and Interest thereby secured
 ‘ and now due thereon, unto A. B. of
 ‘ Executors, Administrators, and Assigns. Witness my Hand [or
 ‘ our Hands] this Day of .’

XXXII. And, in order effectually to secure the regular and punctual For the
regular Dis-
charge of
Interest.
 Discharge of the Interest on the Principal Sums so to be borrowed
 on Mortgage as aforesaid, be it further enacted, That the Treasurer
 for the Time being shall and he is hereby required half-yearly in
 every Year after the passing of this Act, until the whole of the
 Principal Sums herein-before authorized to be borrowed shall have
 been repaid, with all Interest for the same, to retain and keep in his
 and their Hands, out of the Monies arising by the said Rates and
 Assessments, and paid to him by the Collectors of the said Rates and
 Assessments, such a Sum of Money as will be sufficient to answer,
 pay, and discharge such Half-year's Interest; and in order to facilitate
 the Payment of such Interest, the said Justices are hereby required
 to appoint a Day or Days, half-yearly, on which such Interest, as
 the same shall become due, shall from Time to Time be discharged,
 at such Place or Places within the said Town of *Cambridge* as they
 shall from Time to Time think proper, and which the said Treasurer
 for the Time being for the said Town is hereby required to pay
 accordingly without Fee or Reward; and the said Justices shall and
 they are hereby required, previous to such Day or Days of Payment
 in every Year, to adjust and settle all Books of Accounts relative to
 the Execution of this Act, in such Manner that it may easily be seen
 what Principal Sums have been discharged, and what Interest shall
 be growing due, and therefrom to make Order for the regular Dis-
 charge of the same; and the said Books, when so adjusted and settled,
 shall be signed by the said Justices, and shall be kept by the said
 Clerk of the Peace for the said Town as aforesaid, and at all con-
 venient Seasons be open to the Inspection of all Persons, being
 Creditors on the said Rates and Assessments, they paying respectively
 to such Clerk of the Peace Two Shillings and Sixpence for each
 Time of Inspection.

XXXIII. And in order that all the said Mortgages or Securities Mode of
discharging
Mortgages.
 for the Payment of any Principal Money may be discharged without
 Partiality or Preferences, be it further enacted, That as soon as the
 said new Gaol and House of Correction respectively and other Build-
 ings and Premises shall be completed, and before any Money shall
 be applied in discharge of any such Mortgages as herein-after directed,
 the said Justices shall appoint a Meeting, of which Fourteen Days
 Notice shall be given in some Newspaper circulating in the said Town
 of *Cambridge*, and to which Meeting all Mortgagees under this Act
 shall be admitted, and all the said Mortgages shall respectively then
 and there be drawn by Lot, by Order of the Justices there present,
 and

and numbered according to the Event of such Drawing, and the Mortgages so drawn and numbered shall be regularly discharged and paid off respectively in succession, according to the Priority of Numbers; and Six Calendar Months Notice shall be given in some Newspaper circulating in the said Town of *Cambridge* of all such Mortgages being so paid off.

Application
of the Money
granted by
this Act.

XXXIV. And be it further enacted, That the Monies arising by the said yearly Rates and Assessments, and otherwise by virtue of this Act, shall from Time to Time be applied in manner following; (that is to say), a sufficient Part thereof shall in the first place be applied in paying all Costs, Charges, and Expences in and incident to and attending the obtaining and passing of this Act; and in the next place, in keeping down and paying the Interest on the said Principal Sums so to be borrowed on Mortgage as aforesaid, and in paying for the Purchase of the said Land, Tenements, Hereditaments, and Premises so to be purchased as herein-before directed, and in discharging the Expences of erecting, fitting up, finishing, and furnishing the said new Gaol and House of Correction and other Buildings as aforesaid under this Act; and as soon as may be after the erecting, fitting up, finishing, and furnishing of the said new Gaol and House of Correction, and other Buildings as aforesaid, the Surplus shall be applied for the gradual Discharge of the Principal Sums to be borrowed as aforesaid and the Interest thereof.

Not less than
One Tenth
Part per An-
num to be
paid off.

XXXV. Provided always, and be it further enacted, That from and after the Completion and furnishing of the said new Gaol and House of Correction and other Buildings to be erected under or by virtue of this Act, and after such Mortgages shall be drawn and numbered as aforesaid for Payment, there shall not in any One Year be less than One Tenth Part of the Sum so secured on such Mortgages and Securities paid off and discharged; and on such Payment the original Mortgages and Assignments shall be given up by the respective Mortgagees to the Treasurer for the Time being, who shall cancel the same respectively; and such original Mortgages and Assignments so cancelled shall be good and sufficient Discharges to the said Treasurer, and on passing his Account or Accounts shall be produced by him, and allowed as Vouchers for the several and respective Payments made by him in respect thereof.

For securing
a free Circu-
lation of Air
about the
Gaol.

XXXVI. And be it further enacted, That when the Ground shall be laid out for the building of the said new Gaol, there shall be allowed within the Limits of the Lands or Premises authorized to be taken or purchased by virtue of this Act a Space on the Outside of the intended Boundary Wall or Walls of the Courts or Outlets of the said Gaol on every Side thereof (which shall not adjoin to a public Street, Lane, or Highway) of Thirty Feet at the least in Width, which said Space shall for ever thereafter remain unbuilt upon, and be used or employed for no other Purpose whatsoever than either as a Garden, Yard, or Area for the Use of the said Gaol, or as a public Highway, as the same Space shall be ordered and directed by the said Justices, so as at all Times to preserve a free Circulation of Air in or about the said Gaol; and that if there shall be any public Street,
Lane,

Lane, or Highway adjoining to such intended Boundary Wall or Walls or any Part thereof, and such Street, Lane, or Highway shall not (in the Part thereof so adjoining) be of the Width of Sixty Feet at the least, then such Boundary Wall or Walls shall be kept in and so built as to make and leave so much of such Street, Lane, or Highway as shall adjoin such Boundary Wall or Walls of the full Width of Sixty Feet.

XXXVII. And be it further enacted, That the said Justices shall appoint a Gaoler or Gaolers, Keeper or Keepers, Governor, Chaplain and Surgeon, and such other Officers as they shall think proper for the said new Gaol and House of Correction, as also all such Treasurer or Treasurers, Collector or Collectors, as shall be necessary for the Purposes of this Act, and shall from Time to Time have Power to remove such Gaolers, Keepers, Governor, Chaplain and Surgeon, and other Officers, as likewise such Treasurer or Treasurers, Collector or Collectors, or any of them, and to appoint others in their Stead; and such Gaolers, Keepers, Governor, Treasurers and Collectors, and other Officers, shall give such Security to the Mayor for the Time being of the said Town, for the Performance of their respective Duties, as they the said Justices may think reasonable and sufficient, as such Gaolers, Keepers, Governor, Treasurers, Collectors, 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 Officer to the Justices of the Peace for the said Town at any General Quarter Sessions, and such Justices 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 either of them, shall have been negligent or misbehaved in his or their Office or Duty, then such Justices shall set and impose such Fine or Fines upon such Officer or Officers, not exceeding the Sum of Five Pounds 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 Justices, by Distress and Sale of the Goods and Chattels of such Officer or Officers so offending.

Gaolers,
Governors,
and other
Officers to be
appointed.

XXXVIII. And be it further enacted, That it shall and may be lawful for the Justices of the Peace of the said Town, in General or Quarter Sessions or any Adjournment thereof from Time to Time assembled, to order such Allowances and Compensations to be made to the Overseers, Churchwardens, Constables, Treasurers, Assessors, Collectors, Clerks, or other Persons employed in the Execution of this Act, which have not herein-before been provided for, from, by, and out of the Monies assessed, levied, and collected by any Rate made under this Act, as to the said Justices shall appear reasonable and proper.

Justices may
make Allow-
ances.

XXXIX. And be it further enacted, That the said Justices of the Peace for the said Town of *Cambridge* shall and they are hereby authorized and required, at some General or Quarter Sessions or adjourned Sessions for the said Town, subject to the Provisions of this Act, to make such Rules, Orders, and Regulations for receiving, separating,
[Local.] 32 B classing,

Justices at
Sessions to
make Rules.

classing, dieting, clothing, maintaining, employing, reforming, governing, managing, treating, and watching all Offenders, Debtors, and other Prisoners of all Descriptions, during their respective Confinement in the said new Gaol and House of Correction, as to the said Justices shall seem most fit and proper; and also as well for enforcing amongst the Debtors and Prisoners of all Descriptions, Cleanliness, Temperance, and a decent and orderly Behaviour, as for securing a just and humane Treatment (of them by the Gaoler or Gaolers, Governor and Keepers of the said new Gaol and House of Correction, and their respective Servants and Assistants; and also for restraining and prohibiting any Person or Persons whom the Visiting Justices for the Time being, or the respective Gaoler or Gaolers, Governor or Keepers of the said new Gaol and House of Correction shall deem improper, to supply any Prisoners therein with Money, Clothing, Provision, Diet, or any other Thing whatsoever, or to have Access to any such Prisoners, or to be admitted into the said Prison; and also for restraining and prohibiting all Persons whatsoever from supplying any such Prisoners with Money, Clothing, Provision, Diet, or with any Spirituous or other Liquors, or any other Thing whatsoever otherwise or contrary to such Rules, Orders, and Regulations; and also for regulating and fixing at and for what Hours and Time all or any Person (not being Prisoners in or Officers or Assistants belonging to such Prison) may or shall be admitted into, remain in, or depart from such Prison; and the said Justices are hereby authorized to ascertain and set down in such Rules, Orders, and Regulations what reasonable Penalties and Forfeitures shall be incurred by Persons who shall break or evade the same Rules, Orders, and Regulations, or any of them, not exceeding Forty Shillings for One Offence; all which said Rules, Orders, and Regulations so to be made as aforesaid, all Persons are hereby required to observe and keep, under such Penalties as shall be so ascertained and set down as aforesaid; but no such Rules, Orders, and Regulations shall be made at any such Sessions or adjourned Sessions, unless Four Justices at least shall be present; and such Rules, Orders, and Regulations, so to be made as aforesaid, shall not commence or be in force until they have been submitted to and reviewed and confirmed or altered (if necessary) by the Justices at the General Quarter Sessions which shall be holden for the said Town next after the making of such Rules, Orders, and Regulations, or at some subsequent General Quarter Sessions to be holden in and for the said Town; and the said Justices to whom such Rules, Orders, and Regulations shall have been submitted, shall have subscribed a Certificate or Declaration that they approve of the said Rules, Orders, and Regulations so to be made and confirmed or altered as aforesaid; and all such Rules and Regulations shall be afterwards added to or altered from Time to Time as often as the said Justices of the Peace at any General or Quarter Sessions or adjourned Sessions as aforesaid (at which Four at least shall be present) shall think necessary, and such Additions or Alterations shall also in like Manner be submitted to and confirmed or altered (if necessary) by the Justices at any such subsequent General Quarter Sessions for the said Town in manner aforesaid, who shall subscribe such Certificate or Declaration as before mentioned; and such Rules, Orders, and Regulations shall be entered of Record in such Courts respectively, and a Copy thereof shall be hung up in
the

the Court of Quarter Sessions of the said Town, and another Copy thereof shall be transmitted to the said Gaoler or Gaolers, Governors or Keepers respectively, who shall cause the same to be hung up in some conspicuous Place within the said new Gaol and House of Correction: Provided always, that such Rules, Orders, and Regulations shall not be contrary or repugnant to the Laws of that Part of *Great Britain and Ireland* called *England*, or this Act.

XL. And be it further enacted, That the Gaoler or Gaolers, Governor or Keeper of the said new Gaol and House of Correction, on or before the First Day of every General Quarter Sessions to be holden in and for the said Town, shall make a just and true Return in Writing to the Clerk of the Peace of the said Town, being the proper Officer of the said Court, specifying the Names or Name 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 guilty, the Court before which each Person was convicted, the Sentence of the Court, if tried and convicted before any Court of Record, or if committed by One or more of His Majesty's Justices of the Peace, then the Name or Names of the Justice or Justices before whom such Persons or Person were or was convicted, and the Offences or Offence of which such Persons or Person were or was convicted, together with the Age, bodily State, and Behaviour of each such Convict.

Gaolers, &c. to make Returns as herein directed.

XLI. And be it further enacted, That so long as any Person under Sentence of Transportation shall continue in the said new Common Gaol, the Gaoler or Gaolers, Governor or Governors, having the Custody of such Offenders, shall, and he and they is and are hereby required to separate such Person so under Sentence of Transportation, as far as conveniently may be, from every other Person in his or their Custody respectively.

Prisoners under Sentence of Transportation to be kept separate from others.

XLII. And be it further enacted, That the Property of and in all and every the Furniture, Utensils, Chattels, Provisions, Clothing, and Materials whatsoever to be from Time to Time had, bought, procured, and provided for the Use of the Prisoners in the said new Common Gaol and House of Correction and other Buildings to be erected under this Act, and for carrying into Execution the several Purposes of this Act, shall be and the same are hereby vested, for the Uses and Purposes of this Act, in His Majesty's Justices of the Peace for the Time being acting in and for the said Town; and the said Justices are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name of the Clerk of the Peace for the said Town for the Time being, or to prefer or cause to be preferred any Bill or Bills of Indictment against, and prosecute any Person or Persons who shall steal, purloin, or carry away any Part of such Furniture, Utensils, Chattels, Provisions, Clothing, or Materials whatsoever; and every Action so brought, and every Indictment wherein any such Furniture, Utensils, or other Things as aforesaid shall be laid to be the Property of the said Justices, shall be good and valid in the Law to all Intents and Purposes.

Furniture, &c. in the new Gaol vested in the Justices, &c.

XLIII. And

Penalty on Persons buying or secreting any of the Furniture, &c. belonging to the new Gaol.

XLIII. And be it further enacted, That if any Person or Persons shall knowingly buy, secrete, or receive into Pawn any of the Furniture, Utensils, Chattels, Provisions, Clothing, or Materials of the said new Common Gaol and House of Correction and other Buildings to be erected under this Act, which shall be provided for the Use of any of the Prisoners therein, or for other the Purposes of this Act, or any Goods or Materials carried or brought into the said new Gaol and House of Correction, and there wrought up or manufactured, or in order to be there wrought up, manufactured, or used by the Prisoners or any of them, then the Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Forfeitures and Penalties how to be applied.

XLIV. 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 some Justice or Justices of the Peace for the Town of *Cambridge*, on Complaint to him or 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 Hand and Seal or Hands and Seals of such Justice or Justices, who is and 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 Goods and Chattels so seized and distrained; and it shall and may be lawful for the said Justice or Justices 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 Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice or Justices is and 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 any Justice or Justices, 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 Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant

Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to any Common Gaol or House of Correction of the said Town, 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 Justice or Justices, shall be sooner paid or discharged; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid and levied, if not otherwise directed to be applied by this Act, shall be paid to the Treasurer of the said Town, and applied to the Purposes of this Act.

XLV. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to give Evidence before any Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or against any Rule, Order, or Regulation to be made in pursuance thereof, either on the Part of the Prosecutor or of the Person or Persons accused, after having been paid or tendered a reasonable Fee for his or her Costs, Charges, and Expences, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, and in case of a Quaker or Quakers on solemn Affirmation, and to give Evidence before such Justices of the Peace, then and in either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

For compelling the Attendance of Witnesses.

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

Burgesses and other Inhabitants declared competent Witnesses in all Actions, &c.

XLVII. And be it further enacted, That in all Notices which are directed or required to be given by this Act, or which are or may be directed or required to be given by any Rules, Orders, or Regulations to be made in pursuance thereof, or which shall or may be necessary for carrying into Execution any of the Powers of this Act, or any of such Rules, Orders, or Regulations (where the Manner of serving such Notices is not particularly or otherwise hereby directed), the Service of such Notices, either on the Person to whom the same is or shall be directed to be given, or otherwise ought to be given, or by leaving the same or a true Copy thereof at his or her Dwelling House or usual or last Place of his or her Abode, shall be a good and sufficient Service of any such Notices; and that in all Cases whatsoever where any such Notices is or shall be directed to be given, or otherwise ought to be given, to Two or more Persons, for or respecting the joint Act or Omission or Property of any such Persons,

Directing the Manner of serving Notices.

[Local.]

32 C

whether

whether the said Persons be in Partnership in Trade or otherwise jointly concerned in such Act or Omission or Property, the like Service of any such Notices on any One of such Partners or Persons shall be also a good and sufficient Service thereof.

Penalties
may be miti-
gated.

XLVIII. Provided always, and be it further enacted, That it shall be lawful for the Justices of the Peace before whom shall be recovered any of the pecuniary Penalties imposed by this Act, or which shall be imposed by any Rules, Orders, or Regulations to be made in pursuance thereof, (where no other Manner of Mitigation of any such Penalties is hereby directed or shall be directed by any such Rules, Orders, or Regulations,) to mitigate or lessen any of such Penalties as they in their Discretion shall think fit.

Form of
Conviction.

XLIX. And, for the more easy Conviction of Offenders, be it further enacted, That the Justices of the Peace 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 other Words to the same Effect; *videlicet,*

‘ Town of Cambridge, } 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
‘ of Cambridge, by virtue of an Act passed in the Eighth 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 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 and [*if mitigated*] which we mitigate to the Sum
‘ of . Given under our Hands and Seals the Day and
‘ Year first above written.’

Appeal.

L. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment so directed to be made as aforesaid, or by any Conviction in pursuance of this Act, or of any Rule, Order, or Regulation to be made in virtue thereof, and for which no other Method of Relief is by Law or by this Act otherwise appointed or directed, such Person or Persons shall and may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden in and for the said County of Cambridge within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant giving or causing to be given Four Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the Peace for the said Town, in case of the Appeal being against any such Rate or Assessment, or if against any Conviction under this Act, then to the Justice or Justices of the Peace before whom

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 entering into a Recognizance before some Justice of the Peace for the said Town of *Cambridge*, with Two sufficient Sureties, in such reasonable Sum as such Justice 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 Justices at such Quarter Sessions; and the said Justices of such Session, 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 Justices shall think proper; and the Determination of the said Justices at such Session or Adjournment shall be final, binding, and conclusive.

LI. Provided always, and be it further enacted, That on any Appeal from or against any Rate or Assessment to be made in pursuance of or for any of the Purposes mentioned in this Act, the Justices of the Peace at such General Quarter Sessions of the Peace, to which such Appeal shall happen to be made, shall and may alter and amend any such Rate or Assessment, in such Manner as they shall think necessary for giving Relief to any Party or Parties injured or aggrieved thereby, without quashing or altering such Rate or Assessment with respect to any other Persons mentioned in the same; but if upon any such Appeal it shall by such Justices be thought necessary to set aside the whole Rate or Assessment, then and in such Case it shall be lawful for such Justices so to do, and to order a new Rate or Assessment to be made in the Manner herein-before directed.

LII. 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 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

Justices on
Appeal may
alter and
quash Rates.

Distress not
to be deemed
unlawful for
Want of
Form.

Tender of
Amends.

Court such Sum of Money as he, she, or they shall see fit, whereupon such Proceedings or Orders and Judgment 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.

LIII. And be it further enacted, That no Precept, Verdict, Judgment, Rule, Order, Regulation, or other Proceeding, Matter, or Thing, to be had or made in pursuance of this Act, 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 of Process whatsoever into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

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

LIV. And be it further enacted, That the said Justices 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 Clerk of the Peace for the Time being; and no Action or Suit so to be brought or commenced by or against the said Justices shall abate or be discontinued by the Death, Removal, or Default of any such Clerk of the Peace, but shall be continued and carried on in the Name of the Clerk of the Peace for the Time being in whose Name the same shall have been brought, and the 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 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 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.

LV. 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 Twenty-one 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 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 Four 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

General
Issue.

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 Twenty-one 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 Four 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; and in all and every Cases and Case where a Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or where, upon Demurrer or otherwise, Judgment shall be given against such Plaintiff or Plaintiffs, then the Defendant or Defendants in such Action shall have Treble Costs, and shall have the like Remedy for recovering the same as Defendants have for recovering their Costs in any other Case by Law.

Treble Costs.

LVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, or diminish any of the Rights, Liberties, Immunities, Exemptions, Franchises, and Privileges of the Chancellor, Masters, and Scholars of the University of *Cambridge*, or any of the Colleges or Halls within the said University; or to lessen or diminish the Rights, Liberties, Immunities, Franchises, and Privileges of the Mayor, Bailiffs, and Burgesses of the Town of *Cambridge*; any thing herein contained to the contrary in anywise notwithstanding.

Act not to affect Rights of University and Town of Cambridge.

LVII. 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.

SCHEDULE to which this Act refers.

Land, &c. to be taken for the Purposes of this Act.

ALL that Piece of Ground lying in the Parish of Saint Andrew the Less, commonly called Barnwell, in the said Town of Cambridge, being that Part of an Allotment set out under an Act passed for inclosing the said Parish for a Common Pasture, which abuts Northwest upon a Public Highway called the Gravel Pit Road, Northeast upon other Part of the said Common Pasture, and upon Land belonging to Caius College upon all other Points, and containing by Admeasurement Two Acres or thereabouts.

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