

ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. LXXXVI.

An Act for enabling His Majeſty to grant the Caſtle of *Norwich*, with the Common Gaol, Caſtle Hill, and certain Land adjacent thereto, in the County of *Norfolk*, and for veſting the ſame in His Majeſty's Juſtices of the Peace for the ſaid County, for the Uſe thereof; and for other Purpoſes relating thereto. [12th *July* 1806.]

WHEREAS the Caſtle of *Norwich*, with the Common Gaol, Caſtle Hill, and circumjacent Ground, containing about Six Acres One Rood and Thirteen Perches, is Part of the County of *Norfolk*, although ſurrounded by the City and County of the City of *Norwich*: And whereas the King's moſt Excellent Majeſty, in Right of His Crown, is ſeiſed in Fee Simple of the ſaid Caſtle, Caſtle Hill, Common Gaol, and circumjacent Ground: And whereas from Time immemorial the Aſſizes and Quarter Seſſions of the Peace for the ſaid County of *Norfolk* have been holden at the Shirehouſe within the ſaid Caſtle, and the Public Records of the ſaid County are depoſited, and the public Buſineſs of the ſaid County hath been tranſacted there, and the Common Gaol and Priſon of the ſaid County of *Norfolk* adjoins to and forms a Part of the ſaid Caſtle: And whereas by Letters Patent under the Great Seal of *Great Britain*, bearing Date on or about the Eighth Day of *April* in the Year One thouſand ſeven hundred and ſeventy-three, the King's moſt Excellent Majeſty was graciouſly pleaſed, with the Advice of the Firſt Commiſſioner of the Treaſury, and Chancellor and Under-Treaſurer of the Exchequer, and the Commiſſioners of the Treaſury, to demiſe, grant, and to farm let, unto *George* Earl of *Orford*, *Horatio* Lord *Walpole*, *Edmund Rolfe* Junior, *Anthony Norris*, and *Edward Bacon*, Eſquires, and the Survivor of them, and the Executors and Adminiſtrators of ſuch

Survivor, in Truſt for the Juſtices of the Peace for the County of *Norfolk* in their General Quarter Seſſion aſſembled, the Caſtle and Premiſes aforeſaid, by the Deſcription of 'All that Piece or Parcel of Ground, ſituate 'within and near the Center of the City of *Norwich*, called *Caſtle Hill*, 'together with the Ditch ſurrounding the ſame, and the circumjacent 'Ground thereto belonging and bordering thereupon, containing in the 'Whole by Admeaſurement Six Acres One Rood and Thirteen Perches, 'as the ſame is bounded by Four Stone Poſts fixed thereupon, ſituate, 'lying, and being within the County of *Norfolk*, and out of the Juriſdic-'tion of the County of the City of *Norwich*, and alſo, all that the Com-'mon Gaol in the ſaid County of *Norfolk*, commonly called the *Caſtle of* '*Norwich*, and the Shirehouſe where the Aſſizes and Seſſions for the ſaid 'County are held, and all other Buildings, with the Appurtenances 'ſituate, ſtanding, and being on the ſaid Ground, or any Part thereof '(excepting all that Meſſuage, Houſe, or Tenement ſituate on the Caſtle 'Hill aforeſaid, called *The Hill Houſe*, then or late in the Occupation of '*George Gynne*, Gaoler, with the Appurtenances), all which ſaid Premiſes 'are in the ſaid Letters Patent ſtated to be more particularly deſcribed in 'a Plan thereof, remaining in the Office of His Majeſty's Surveyor Ge-'neral taken by *Thomas Emerſon* in the Month of *Auguſt* One thouſand 'ſeven hundred and ſixty-nine, together with all Ditches, Glacis, Ram-'parts, Mounds, Waſtes, Sewers, Banks, Fences, Walls, and other Works 'belonging to the ſaid Caſtle, and all Ways, Paſſages, Lights, Eaſements, 'Waters, Watercourſes, Cellars, Soilars, Profits, Commodities, Advan-'tages, and Appurtenances whatſoever, to the ſaid Piece or Parcel of 'Ground, Buildings, and Premiſes, belonging or in anywiſe appertaining, 'or therewith uſed and enjoyed,' To hold the ſaid Premiſes (except as aforeſaid) unto the ſaid Leſſees and the Survivor of them, and the Execu-tors and Adminiſtrators of ſuch Survivor, in Truſt for the Juſtices of the Peace for the ſaid County of *Norfolk* in their General Quarter Seſſion aſſembled, for the Term of Thirty-one Years, to commence from the Date of the ſaid Letters Patent, rendering and paying therefore to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, for and out of the ſaid Premiſes, the Yearly Rent or Sum of Three Shillings and Four-pence, at or into the Receipt of His Majeſty's Exchequer at *Weſtminſter*, or to the Hands of His Majeſty's Bailiff or Receiver General for the Time being of the ſaid County of *Norfolk*, at or upon the Feaſt Day of Saint *Michael* the Archangel in every Year of the ſaid Term of Thirty-one Years; ſubject, amongſt other Things, to a Proviſo in the ſame Letters Patent contained, that it ſhould and might be lawful for His Majeſty, His Heirs and Succeſſors, at any Time thereafter during the ſaid Term thereby granted, to reſume all or any Part of the ſaid Premiſes thereby demiſed, in caſe any Neceſſity ſhould ariſe for erecting any Public Works within the Bounds of the ſaid Premiſes, without any Compenſation whatever to be made for ſuch Reſumption: And whereas His Majeſty's Juſtices of the Peace acting in and for the ſaid County of *Norfolk*, have from Time to Time expended conſiderable Sums of Money out of the County Stock, for the Purpoſe of repairing, rebuilding, enlarging, and improving the ſaid Gaol: And whereas the Courts in the ſaid Shirehouſe in which the Aſſizes and Quarter Seſſions are held are not ſufficiently large for the Purpoſes for which they are uſed, and are otherwiſe incommodious; and no proper Place is provided for depoſiting, keeping, and preſerving the Public Records of the ſaid County of *Norfolk*: And whereas, upon the humble Application

of the Juſtices of the Peace acting in and for the ſaid County of *Norfolk* in Quarter Seſſions aſſembled, and in conſideration that the ſaid Caſtle and Gaol, with the Caſtle Hill and circumjacent Ground, have always been dedicated to the public Uſe of the ſaid County, and that conſiderable Charges have heretofore been incurred by the County in repairing and rebuilding the ſame, and that further Expences muſt be incurred in improving and making the ſaid Buildings commodious, and keeping the ſame in Repair, His Majeſty has been moſt graciouſly pleaſed to ſignify His Royal Pleaſure, that, ſo far as His Majeſty's Intereſt is concerned, the ſaid Caſtle and Caſtle Hill, with the Gaol and circumjacent Ground, ſhould be abſolutely veſted in His Majeſty's Juſtices of the Peace for the Time being acting in and for the ſaid County of *Norfolk*, on the Terms and Conditions herein mentioned: But as ſuch Purpoſes cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act the ſaid Caſtle and Gaol, with the Caſtle Hill and circumjacent Ground, and all and every the Premiſes comprized in the ſaid Letters Patent, and thereby granted and demiſed, ſhall be and the ſame is and are hereby granted and confirmed unto, and ſhall be veſted for ever in His Majeſty's Juſtices of the Peace for the Time being acting in and for the ſaid County of *Norfolk*, freed and abſolutely diſcharged from all Claim, Right, and Title of His Majeſty in Right of His Crown, His Heirs and Succeſſors.

For veſting the Caſtle Gaol and Caſtle Hill in the Juſtices for the County.

II. And be it further enacted, That the ſaid Gaol ſhall continue to be the public Common Gaol for the ſaid County of *Norfolk*; and the ſaid Gaol, with the Caſtle and Shirehouſe, Buildings and Appurtenances, adjoining and belonging thereto, ſhall from Time to Time be maintained, ſupported, repaired, rebuilt, enlarged, and improved, by and under the Order and Direction of His Majeſty's Juſtices of the Peace for the ſaid County of *Norfolk*, in their Quarter Seſſions of the Peace held in the ſaid Shirehouſe, or of the major Part of them then and there aſſembled, by ſuch Ways and Means, and by and out of ſuch County Stock and Monies to be raiſed and levied by County Rates or otherwiſe, and in ſuch Manner as other Gaols are or by Law ought to be maintained, ſupported, repaired, and rebuilt; and the Sheriff of the County of *Norfolk* for the Time being ſhall have the keeping of the ſaid Gaol, and ſhall from Time to Time appoint a proper Perſon to be the Gaoler of the ſaid Gaol, and ſhall have full Power and Authority from Time to Time to diſplace and remove ſuch Gaoler, in the ſame Manner as the ſaid Sheriff and his Predeceſſors hath and have been uſed and accuſtomed to do.

Gaol to continue the Common Gaol for the County.

III. And be it further enacted, That the Juſtices of the Peace acting in and for the ſaid County of *Norfolk*, in their General Quarter Seſſions of the Peace for the ſaid County in the ſaid Shirehouſe, or the major Part of them then and there aſſembled, ſhall and may from Time to Time allow, order, and direct ſuch Salary or other Gratuity or Reward to be paid out of the County Rates to any ſuch Gaoler ſo to be appointed as aforeſaid, at ſuch Times, in ſuch Manner, and under ſuch Conditions, Regulations, and Reſtrictions, as to the ſaid Juſtices, or the major Part of them ſo aſſembled as aforeſaid, ſhall from Time to Time ſeem meet and proper.

For authorizing the Juſtices to pay out of the County Rates a Salary to the Gaoler.

IV. And

Empowering the Juſtices to alter and improve the Shirehouſe

IV. And be it further enacted and declared, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace acting in and for the ſaid County of *Norfolk*, at their General Quarter Seſſions of the Peace to be from Time to Time holden and kept in the ſaid Shirehouſe, or the major Part of them then and there aſſembled, to order and direct, and to cauſe the ſaid Caſtle, Shirehouſe, and Gaol, to be altered, repaired, rebuilt, enlarged, and improved from Time to Time, as Occaſion may require, and to provide ſuitable Courts and Rooms and other Accommodations, in the ſaid Shirehouſe, for the holding and keeping the Aſſizes and Quarter Seſſions of the Peace, and for depoſiting and preſerving the public Records of the ſaid County of *Norfolk* therein, as the ſaid Juſtices in their ſaid General Quarter Seſſions, or the major Part of them aſſembled in the ſaid Shirehouſe, ſhall in their Diſcretion deem to be proper and neceſſary, and the Coſts, Charges, and Expences to be from Time to Time incurred thereby ſhall, by the Order of the ſaid Juſtices, or the major Part of them, ſo aſſembled as aforeſaid, be defrayed by and out of the County Stock or Money to be from Time to Time raiſed and levied by the County Rates within the ſaid County of *Norfolk*; and that all and every the Powers, Clauſes, Proviſions, Regulations, Penalties, and Forfeitures, contained in an Act, paſſed in the Twenty-fourth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain and amend an Act made in the Eleventh and Twelfth Years of the Reign of King* William *the Third, intituled, 'An Act to enable Juſtices 'of the Peace to build and repair Gaols in their reſpective Counties, and for 'other Purpoſes therein mentioned,'* ſave and except ſuch Part and Parts thereof as may be varied, altered, or repealed, or otherwiſe provided for by this Act, ſhall be as good, valid, and effectual for carrying this Act into Execution, to all Intents and Purpoſes, as if the ſame had been repeated and re-enacted in the Body of this preſent Act.

For puniſhing Perſons damaging the Buildings.

V. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly break, pull down, or in any Manner damage or deſtroy the ſaid Gaol or Shirehouſe, or any Building or Buildings now erected or built, or hereafter to be erected or built in Manner aforeſaid upon the ſaid Caſtle Hill, or upon any of the Ground hereby veſted in the ſaid Juſtices as aforeſaid, or any of them, or any Part or Parts thereof, then and in every ſuch Caſe every ſuch Perſon, being lawfully convicted thereof, ſhall be adjudged to be guilty of Felony, and the Court before which ſuch Perſon or Perſons ſhall be tried ſhall have full Power and Authority either to order ſuch Perſon or Perſons to be tranſported for the Term of Seven Years to ſuch Place, and in ſuch Manner, as other Felons are directed to be tranſported by the Laws and Statutes of this Realm, or to ſuffer ſuch corporal Puniſhment, or to be puniſhed by Fine or Impriſonment, as the Court before which ſuch Perſon or Perſons ſhall be tried ſhall deem fit and proper to order and inflict; and the ſaid Juſtices of the Peace in their ſaid Quarter Seſſions aſſembled are hereby authorized, from Time to Time, to order ſuch Offender or Offenders as aforeſaid to be proſecuted by Indictment or Indictments at the Aſſizes to be held in and for the County of *Norfolk*, and to direct the Expences of ſuch Proſecutions to be paid by the Treaſurer of the County of *Norfolk* for the Time being out of the County Stock or Money to be levied and raiſed by the County Rates within the ſaid County of *Norfolk*; and in every ſuch Indictment and Indictments the ſaid Caſtle, Shirehouſe, Gaol, and Bildings, ſhall be alledged and deſcribed to be the Caſtle, Shirehouſe, Gaol, or Buildings (as

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the Caſe may happen) of The Juſtices of the Peace for the County of *Norfolk*, without particularly ſtating or ſpecifying the Name or Names of all or any of the ſaid Juſtices.

Declaring the Purpoſes for which the Caſtle, Gaol, and other Buildings are veſted in the Juſtices for the County.

VI. Provided always, and be it enacted, That the ſaid Caſtle, Shirehouſe, Gaol, and other Buildings, with the Caſtle Hill and circumjacent Ground and Premiſes, ſhall at all Times, from and after the paſſing of this Act, be veſted in, and the ſame is and are hereby declared to be veſted in His Majeſty's Juſtices of the Peace acting in and for the ſaid County of *Norfolk* for the Time being, upon Truſt, and to the End, Intent, and Purpoſe that the ſaid Juſtices ſhall and do from Time to Time, and at all Times for ever hereafter, peaceably and quietly allow, permit, and ſuffer the Aſſizes and Courts of Quarter Seſſions of the Peace, and all other Courts and Meetings for the ſaid County of *Norfolk* for the public Adminiſtration of Juſtice, and tranſacting the public Affairs and Buſineſs of the ſaid County, to be holden and kept in and upon the ſaid Caſtle and Shirehouſe, and the Appurtenances thereto belonging, in the ſame Manner as ſuch Aſſizes, Seſſions, Courts, and Meetings have been heretofore uſually holden and kept there; and the ſaid Juſtices ſhall alſo allow and ſuffer the ſame to be had, uſed, and enjoyed for all ſuch other public Uſes and Purpoſes as the Juſtices of the Peace for the ſaid County of *Norfolk*, or the major Part of them, at their *Michaelmas* General Quarter Seſſions of the Peace to be holden in the ſaid Shirehouſe, ſhall from Time to Time order, direct, and appoint, with free Liberty for all Perſons whom it ſhall or may concern to act and officiate in, and reſort to, and attend upon the ſaid Aſſizes, Seſſions, Courts, and Meetings, as they ſhall have Occaſion, or think proper.

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

VII. And be it further enacted, That the ſaid Juſtices of the Peace for the ſaid County of *Norfolk* for the Time being, ſhall and may ſue and be ſued in any Court or Courts of Law or Equity, for or in reſpect of any Claim, Contract, or other Matter or Thing made or done, or to be made or done by them, or any of them, under the Authority of this Act, or for and in reſpect of or concerning any Nuiſance, Encroachment, or Treſpaſs made, done, or committed, or hereafter to be had, made, done, or committed by any Perſon or Perſons whomſoever, in or upon the ſaid Caſtle, Shirehouſe, Gaol, and other Buildings, or in or upon the ſaid Caſtle Hill and circumjacent Ground and Premiſes, hereby veſted in the ſaid Juſtices as aforeſaid, or in or upon any Part or Parts thereof reſpectively, in the Name of the Clerk of the Peace for the ſaid County of *Norfolk*, or his Deputy for the Time being; and in the commencing, proſecuting, carrying on, and defending any ſuch Suits or Actions, the ſaid Caſtle, Shirehouſe, Gaol and Buildings, with the ſaid Caſtle Hill and circumjacent Ground and Premiſes, ſhall be deemed and conſidered in Law to be, and ſhall be deſcribed to be in the Poſſeſſion of the ſaid Juſtices for the Time being, to all Intents and Purpoſes whatſoever; and no ſuch Action or Suit to be brought or commenced by or againſt the ſaid Juſtices, or any of them, by virtue of this Act, in the Name of the ſaid Clerk of the Peace, or his Deputy for the Time being, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk of the Peace, or his Deputy, or for any Act of the ſaid Clerk of the Peace or his Deputy for the Time being, done or omitted to be done without the Conſent of the ſaid Juſtices of the Peace for the Time being, but that ſuch Clerk of the Peace, or his

Deputy for the Time being, ſhall always be deemed the Plaintiff or Defendant in all ſuch Suits or Actions (as the Caſe may be), and that in all and every ſuch Action and Suit, Actions and Suits, to be brought and commenced as aforeſaid, no Perſon or Perſons whomſoever ſhall be deemed incompetent to give Evidence by Reaſon of his, her, or their paying or contributing, or being liable to pay or contribute towards the public Stock of the ſaid County of *Norfolk*, or by reaſon of his, her, or their being charged with or liable to pay any of the County Rates within the ſame County: Provided always, that every ſuch Clerk of the Peace, or his Deputy for the Time being, ſhall from Time to Time forthwith, by Order of the ſaid Juſtices, or the major Part of them in Seſſion aſſembled, be reimburſed and paid by the Treaſurer of the ſaid County of *Norfolk* out of the County Stock and Money to be raiſed by the County Rates of the ſame County, the full Coſts, Damages, and Expences, *bonâ fide* expended or incurred for or by reaſon of his being made a Plaintiff or Defendant as aforeſaid.

For paying the Expences of the Act.

VIII. And be it further enacted, That the Coſts, Charges, and Expences in anywiſe incident to or attending the ſoliciting, obtaining, and paſſing of this Act, ſhall be levied and raiſed out of the publick Stock or County Rates of the ſaid County of *Norfolk*, and ſhall be paid by the Treaſurer of the ſaid County to the Clerk of the Peace, or other Perſon entitled to receive the ſame, by and under the Order of the Juſtices of the Peace for the ſaid County, or the major Part of them, aſſembled at their General Quarter Seſſions of the Peace for the ſaid County, which ſhall be held in the ſaid Shirehouſe next after the paſſing of this Act.

General Saving.

IX. Saving always to all and every Body and Bodies Politick, Corporate, or Collegiate, and to all and every Perſon and Perſons whomſoever, his, her, or their Heirs, Succeſſors, Executors, and Adminiſtrators (other than and except the King's moſt Excellent Majeſty, His Heirs and Succeſſors) all ſuch Eſtate, Right, Title, and Intereſt, as they, every, or any of them, could or ought to have had and enjoyed in caſe this Act had not been made.

Declaring the Act Publick.

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

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