



ANNO QUADRAGESIMO QUINTO

# GEORGI II III. REGIS.

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## Cap. 44.

An Act for building a new Gaol in the Borough of  
*Portsmouth*, in the County of *Southampton*.

[5th June 1805.]

WHEREAS on Account of the great Increase of the Population of the Borough of *Portsmouth*, in the County of *Southampton*, the present Gaol of the said Borough is neither sufficiently large and spacious, or in other Respects well adapted for the Reception, Confinement, and Separation of the Felons and other Persons confined therein: And whereas it being requisite that a new Gaol should be built for the Use of the said Borough in a more commodious Situation, the Mayor, Aldermen, and Burgeses of the said Borough, to whom the present Gaol and the Ground whereon it stands belong, have proposed to sell the same, and to apply the Monies to arise therefrom as far as the same will extend towards the purchasing of Land and the Expence of building such new Gaol: And whereas it is expedient to make Provision for the Residue of the Expences to be incurred in building such new Gaol, and making the same fit for the Reception, Confinement, and Separation of Prisoners, and for the future maintaining and repairing thereof, but the same cannot be done 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 it shall and may be lawful to and for the Mayor and other Justices of the Peace for the

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faid Borough, or the major Part of them, as soon as conveniently may be, to contract for the Purchase of such Lands, Tenements, and Hereditaments within the said Borough, as they or the major Part of them shall think proper and convenient for the building of such new Gaol, (provided that such Lands so purchased do not exceed Three Acres in the Whole) and to cause the same to be conveyed unto and to the Use of the said Mayor, Aldermen, and Burgesses, and their Successors; and that the Sum to be paid for such Purchase, together with the Costs and Charges attending the same, not exceeding in the Whole the Sum of One thousand and eight hundred Pounds, shall be paid out of the Monies to be raised by the several Rates and Assessments herein-after mentioned.

Treasurer  
appointed.

II. And be it further enacted, That the Justices of the Peace for the said Borough, at any General or General Quarter Sessions of the Peace to be holden in and for the said Borough, shall and may appoint a Treasurer, a Surveyor or Surveyors, Collector or Collectors of Rates or Assessments, and such other Officer or Officers as they shall judge necessary and proper for the Purposes of this Act, or any of them, and for the executing any Rules, Orders, or Regulations to be made in pursuance hereof; and shall and may take such Security as they shall think proper, from such Treasurer and other Officers so to be appointed and employed as aforesaid, for the faithful Discharge of their respective Offices, and the Justices of the Peace for the said Borough for the Time being shall and may from Time to Time, at any General or General Quarter Sessions of the Peace to be holden in and for the said Borough, remove such Treasurer or other Officer or Officers, and appoint others in the room of such of them as shall be so removed, or shall die, or be incapable of performing their respective Offices; and also may discontinue any such Office or Offices when the same shall be in their Judgement of no further Use, or when they shall think proper so to do; and the said Justices may at any such Session direct such Payments or Allowances, out of the Monies arising by this Act, to be made to such Treasurer or other Officer or Officers so appointed and employed as aforesaid, or to the Clerk of the Peace of the said Borough, as they shall judge reasonable, for and in Consideration of the Services to be by them respectively performed in and about the Execution of this Act, with Power to vary the same from Time to Time as they shall think fit.

Rates for  
raising Mo-  
ney to be ap-  
plied for the  
Purposes of  
this Act.

III. And be it further enacted, That it shall be lawful for the Justices of the Peace for the said Borough for the Time being, or any Two or more of them, by Writing under their Hands, from Time to Time when and as they shall deem the same expedient and necessary, to make Assessments or Rates upon the Occupiers of Lands, Houses, Shops, Warehouses, Vaults, Coachhouses, Cellars, Stables, Gardens, Tenements, Tythes, and Hereditaments within the said Borough and the Liberties thereof, not exceeding One Shilling in the Pound in any one Year, of the Yearly Rent or Value of such Lands, Houses, Shops, Warehouses, Vaults, Coachhouses, Cellars, Stables, Gardens, Tenements, Tythes, and Hereditaments, and to order and direct the Collector or Collectors to be appointed in pursuance of this Act to demand, collect, and receive from such Occupiers such Rates and Sums of Money as shall be so assessed or rated as aforesaid; and the same shall be applied in, for, and towards the erecting and building of the said intended new Gaol, and rendering the

the same fit for the Reception, Confinement, and Separation of Prisoners and for repairing, supporting, and maintaining the same, when so erected and built, and for other the Purposes of this Act, according to the true Intent and Meaning hereof; such Rates or Assessments to take place and commence from the Twenty-fourth Day of *June* in the Year of our Lord One thousand eight hundred and five.

IV. Provided always, and be it further enacted, That all and every such Rates and Assessments shall be published in the Parish Churches of *Portsmouth* and *Portsea*, on some *Sunday* within Ten Days next after the making of the same, in the same Manner as the Rates for the Relief of the Poor are by Law directed to be published.

Rates to be published.

V. And be it further enacted, That all such Rates and Assessments to be so made shall from Time to Time be entered in a Book or Books to be kept by the Clerk of the Peace of the said Borough for that Purpose, and signed by the Justices respectively making the same, to which Book or Books every Person liable to pay the said Rates or Assessments shall and may have free Access at all convenient Times, and be permitted to peruse, inspect, and take Copies of the same, without Fee or Reward; and such Book or Books shall in all Courts and Places be considered as sufficient Evidence of the making of such Rates or Assessments respectively; and a Duplicate or Duplicates of every such Rate or Assessment shall be given to the Collector or Collectors for the Purpose of collecting the same.

Clerk of the Peace to make Entries of the Rates in Books to be kept for that Purpose.

VI. And be it further enacted, That in case any Person or Persons charged with any such Rate or Assessment shall refuse or neglect to pay the Money rated or assessed upon him, her, or them respectively, it shall be lawful for any One or more of the Justices of the Peace of the said Borough, and he and they is and are hereby authorized and required, to summon, by Writing under his or their Hand and Seal or Hands and Seals, all and every Person and Persons so charged and who shall have so refused or neglected to pay such Rate or Assessment as aforesaid, (on Oath being made before such Justice or Justices by the Collector or Collectors for the Time being, or any One of them, of his, her, or their having demanded the said Rate or Rates of or at the Place of Abode of such Person or Persons, and of the same remaining unpaid) to appear before such Justice or Justices at the Time and Place to be mentioned in such Summons (Service of every such Summons by such Collector or Collectors, or any of the Constables of the said Borough of *Portsmouth* or the Liberties thereof, either by delivering the same to the Person or Persons thereby intended to be summoned, or leaving the same at his, her, or their last or usual Place of Abode to be deemed good Service); and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons or Summonses, or if he, she, or they do or shall attend at the Time and Place mentioned in such Summons or Summonses, and shall not make it appear to such Justice or Justices, that he, she, or they is or are not chargeable with such Rate or Rates according to this Act, then all and every the Person and Persons who shall have been so summoned, shall pay as well such Rate, as the reasonable Costs and Charges of such Summons, to be ascertained by such Justice or Justices; and in all Cases when the said Rate or Assessment,

Recovery of Rates.

ment, Costs and Charges, shall not be paid within Five Days then next following, it shall be lawful for such Justice or Justices, or any other Justice or Justices for the said Borough, and he and they is and are hereby authorized and required (on Oath being made before him or them of such Non-payment) to grant a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, authorizing and directing such Collector or Collectors, or any Constable or Constables of the said Borough of *Portsmouth* or the Liberties thereof, to levy all such Rates or Assessments, and all Arrears thereof, and the Expence of the Summons, and Warrant, by Distress of the Goods and Chattels of the Party so neglecting or refusing, which shall be found either in the said Borough or elsewhere, such Warrant, if such Goods and Chattels shall not be found within the Limits of the Jurisdiction of the Justice or Justices granting the same, being first endorsed by some Justice or Justices of the Peace for the County, City, or Liberty where such Goods and Chattels shall be found; and if within Five Days next after any such Distress shall be so made, the said Rate or Rates, Assessment or Assessments, and Arrears, and the Costs and Charges of the said Summons and Warrant, and of such Distress, and of keeping such Goods and Chattels, shall not be paid and satisfied, it shall be lawful for such Collector or Collectors, Constable or Constables, to cause the said Goods and Chattels, or so much thereof as shall be sufficient to be appraised by One or more Appraiser or Appraisers, and sold to pay the said Rate or Rates, Assessment or Assessments, together with such Arrears, Costs, Charges, and Expences, as aforesaid, returning the Overplus of the Money arising by such Sale, and what shall remain unsold (if any), to the Owner or Owners of the Goods and Chattels respectively on Demand thereof made by him, her, or them.

Persons aggrieved by the Rates may appeal.

VII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved or overrated by any Rate or Assessment made under this Act, he, she, or they may appeal and complain thereof to the General Quarter Session of the Peace of the said Borough, to be held next after the Publication of the said Rate or Assessment in the Church as herein-before directed, the Justices assembled at which said Session shall and may proceed upon such Appeal in such Manner, and give such Judgement thereon, as well with respect to the Merits as the Costs of such Appeal, as they are by Law empowered to do on any Appeal against any Rate made for the Relief of the Poor; and that the several Provisions of an Act, passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for the better Collection of Rates made for the Relief of the Poor*, shall be in force with respect to Appeals against the Rates or Assessments herein-before mentioned, except that the Notice thereby directed to be given to the Churchwardens and Overseers of the Poor, shall be given to the Clerk of the Peace of the said Borough.

Collectors to

VIII. And be it further enacted, That when and as often as any Collector or Collectors, to be appointed or employed under and by virtue of this Act, shall have received Monies amounting to the Sum of Fifty Pounds, he or they shall within Ten Days then next pay the same into the Hands of the Treasurer for the Time being; and that all and every such Collector and Collectors shall from Time to Time within Five Days after he shall be required so to do, by Writing under the Hands of any Two of the Justices of

of the Peace for the said Borough for the Time being, deliver to such Justices on Oath, (which Oath the said Justices may administer), an Account of all Monies which he or they shall have respectively received, collected, or levied by virtue of this Act, or by reason or Means of the said Office; and of all Payments made thereout to such Treasurer, and shall within Ten Days after the delivering such Account pay over to the Treasurer for the Time being all such Monies as shall upon the Balance of such Accounts be found to be remaining in his or their Hands respectively; and if any such Collector or Collectors as aforesaid shall neglect or refuse to deliver such Accounts, or pay over such Monies, or any Part thereof, within the Time above limited for that Purpose, then any Two or more of the Justices of the Peace for the said Borough shall and may commit the Person or Persons so offending to the common Gaol of the said Borough, there to remain without Bail or Mainprize until he or they shall have delivered such Account, or paid over such Monies respectively, as the Case may happen.

IX. And be it further enacted, That when and as the said Mayor, Aldermen, and Burgeesses, or their Successors, shall sell the present Gaol, or any Part or Parts thereof, the Monies arising therefrom shall be forthwith paid over to the said Treasurer for the Time being, to be by him applied in Aid and Assistance of the Rates and Assessments herein-before directed to be raised and levied.

The Monies arising from the Sale of the present Gaol to be applied in Aid of the Rates herein-before directed to be made.

X. And be it further enacted, That all Costs, Charges, and Expences of passing this Act, and all other Charges incident to the obtaining thereof or incurred in relation thereto, shall be borne, paid, and defrayed out of the first Monies which shall arise by virtue of this Act.

Expences of this Act how to be paid.

XI. And be it further enacted, That any Inhabitant or Inhabitants of the said Borough shall not be incompetent to give Evidence in any Action, Suit, Complaint, Appeal, Prosecution or Proceeding to be had, conducted, made, prosecuted, or carried on under the Authority of this Act, by reason of his, her, or their being such Inhabitant or Inhabitants as aforesaid.

Inhabitants may be Witnesses.

XII. And, for the more speedy and effectual Execution of the Purposes of this Act, be it further enacted, That it shall be lawful for the Justices of the Peace of the said Borough, or any Three or more of them, and they are hereby empowered from Time to Time when they shall judge necessary, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates and Assessments to be made by virtue of this Act, and by any Writing or Writings signed by the said Justices or any Three or more of them, to assign or mortgage the said Rates or Assessments, or a competent Part thereof, to such Person or Persons as shall advance and lend such Money thereupon, as a Security or Securities for the several Sums of Money so borrowed, with Interest for the same, which Interest shall be payable and paid Half-yearly by the Treasurer, out of the Monies to arise by or from the said Rates or Assessments, so that the Sums so to be borrowed shall not exceed in the Whole the Sum of Ten thousand Pounds, and the said Securities shall be transferable by Indorsement, and Entries shall be made of all such Securities and Transfers in a Book to be kept by the Clerk

Justices empowered to borrow Money on the Rates.

of the Peace for that Purpose, to which all Parties interested shall have Access at all reasonable Times.

Justices to cause a new Gaol, Prison for Debtors, and House of Correction, to be built.

XIII. And be it further enacted, That it shall be lawful for the Justices of the Peace for the said Borough and they are hereby required, at some General or General Quarter Session of the Peace to be holden in and for the said Borough, within Six Calendar Months after the passing of this Act, to consider of and agree upon a Plan for the building of such new Gaol, (which shall comprise proper Apartments for the Imprisonment of Debtors under Process of the Court of Record of the said Borough, and for the Purposes of a House of Correction,) with proper and convenient Courts, Yards, Outlets, and Avenues thereto; and after such Plan shall have been so agreed upon, the said Justices, or any Three or more of them, shall and may out of Session cause the same Gaol to be built, either by Contract or in any other Manner, as they shall think proper, and to be fitted up, furnished and supplied with all proper and necessary Conveniences, and in such Manner as they shall think fit; and that the Treasurer for the Time being to be appointed in pursuance of this Act, shall from Time to Time pay out of the Monies in his Hands all such Sum and Sums of Money to such Person or Persons, and in such Manner, as any Three or more of the Justices of the said Borough shall in Writing under their Hands order and direct.

New Gaol when finished to be the proper Gaol for the Borough.

XIV. And be it further enacted, That the said new Gaol, Prison for Debtors, and House of Correction, when the same shall be finished, shall be taken to be and shall be made use of as the Gaol, Prison for Debtors, and House of Correction for the said Borough and the Liberties thereof; and the Gaoler or Keeper, Gaolers or Keepers of the said new Gaol, Prison for Debtors, and House of Correction, shall respectively be answerable to all Intents and Purposes whatsoever, for the safe Custody of all such Persons as shall from Time to Time be committed to his or their Custody in the said new Gaol, Prison for Debtors, and House of Correction, in the like Manner as the Keeper or Gaoler of the present Gaol of and for the said Borough now is liable in any Respect, in every Case, and to all Intents and Purposes whatsoever; and that the Mayor and Justices of the Peace for the said Borough and the Liberties thereof shall have the like Power over the same Gaol, Prison for Debtors, and House of Correction respectively, as they or either of them respectively have, or might have over the present Gaol by any Law now in force.

Power to remove Prisoners to the new Gaol when completed.

XV. And be it further enacted, That when the said new Gaol, Prison for Debtors, and House of Correction, shall be finished and made fit for the Reception of Prisoners, the said Justices, or any Three or more of them, shall cause Notice in Writing thereof to be given to the Keeper or Keepers of the present Gaol of the said Borough, who shall respectively, with all convenient Speed after such Notice, remove to the said new Gaol, Prison for Debtors, or House of Correction, all such Prisoners as shall then be in his or their Custody, which Removals shall not be deemed or taken to be Escapes.

Gaol to be insured and supported at the Expence of the Borough.

XVI. And be it further enacted, That such new Gaol, Prison for Debtors, and House of Correction, when completed, shall be for ever thereafter repaired, supported, maintained, and provided with all proper Accommodations and Furniture, and insured from Loss or Damage by Fire, from

from Time to Time as Occasion shall require, by and out of the Money to arise by the Rates and Assessments to be made by virtue of this Act.

XVII. And be it further enacted, That it shall be lawful for the Justices of the Peace for the said Borough, or any Three or more of them, to purchase or provide, either by Contract or otherwise, such Utensils, Chattels, and Materials whatsoever, as shall be thought proper and necessary for effectually employing and setting to work all or any of the Prisoners in the said new Gaol, and to cause the same to be paid for out of the Monies to arise from the said Rates or Assessments.

Justices to purchase Materials for setting the Prisoners to work.

XVIII. And be it further enacted, That the Property of 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 Gaol, or for carrying into Execution the several Purposes of this Act, shall be and the same are hereby vested in the Clerk of the Peace of the said Borough for the Time being, who is hereby authorized and empowered to bring, or cause to be brought, any Action or Actions, or to prefer or cause to be preferred any Bill or Bills of Indictment in his own Name, against any Person or Persons who shall steal, purloin, or carry away any Part of such Furniture, Utensils, Chattels, Provisions, Clothing or Materials whatsoever; and no Action or Indictment shall abate by reason of the Death of any such Clerk of the Peace.

Materials to be vested in the Clerk of the Peace.

XIX. And be it further enacted, That no Order to be made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the same, shall be quashed for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall afterwards be committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall have been made by or on Behalf of the Party distraining before such Action brought.

Proceedings not to be quashed for want of Form.

XX. And be it further enacted, That if any Suit or Action shall be prosecuted against any Person or Persons for any Thing done in pursuance of this Act, the same shall be brought within Three Calendar Months next after the Fact committed, and the Venue laid in the County of *Southampton*; and that the Defendant or Defendants 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 Authority of this Act; and if a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited or discontinue his, her, or their Action or Actions after Issue joined, or if on Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants,

Persons prosecuted may plead the General Issue.

Treble Cofts. Plaintiffs shall recover Treble Cofts, and have the like Remedy for the fame as any Defendants have by Law in other Cafes.

Publick Act. XXI. And be it further enacted, That this Act fhall be deemed and taken to be a Publick Act, and fhall be judicially taken Notice of as fuch by all Judges, Juftices, and others without being fpecially pleaded.

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