



ANNO QUINQUAGESIMO TERTIO

# GEORGI III. REGIS.

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## *Cap. 180.*

An Act for erecting a new Gaol, House of Correction, and Penitentiary House, in the Borough of *Tewkesbury*, in the County of *Gloucester*.

[2d July 1813.]

**W**HEREAS the present Common Gaol, in and for the Borough and Parish of *Tewkesbury*, in the County of *Gloucester*, is inconveniently situated, too small, and not properly constructed, for the Reception, Confinement, and Employment of Prisoners; and being an ancient Building, is very ruinous and gone to Decay, and is in imminent Danger of falling; and from having no Outlet or Airing Ground, is prejudicial and dangerous to the Health of the Prisoners confined therein, and is otherwise destitute of fit and proper Conveniences; and is very insecure and unfit for a Place of Confinement: And whereas the building of a new Gaol, House of Correction, and Penitentiary House, with proper Buildings and Accommodations, on some open, airy, and convenient Spot or Piece of Ground within the said Borough and Parish, will contribute greatly to the Health of the Prisoners confined therein, and render the Custody of them more safe, and will also be a great Convenience to the said Borough and Parish, and of public Utility: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Bailiffs, High Steward, Recorder, Justices of the Peace, and Town Clerk of the Borough of *Tewkesbury* for the Time being, the Representatives in Parliament of the

[*Loc. & Per.*]

faid Borough for the Time being, and *Richard Alcock*, *Thomas Andrews* Weaver, *Jacob Allis*, *Hagger Allis* Wharfinger, *Isaac Butterfield* Draper, *George Banaster* Wine Merchant, *Charles Banaster* Saddler, *Joseph Barber* Maltster, *James Bennet* Printer, *Thomas Butt* Ironmonger, *Jabez Sheen* Bird Surgeon, *Edward Brydges* Currier, *Thomas Blifard* Maltster, the Honourable *Henry Augustus Berkeley Craven*, *Christopher Codrington*, *Thomas Caddick* Druggist, *Charles Edward Chandler*, *William Dowdeswell*, *John Edmund Dowdeswell*, *William Dillon*, *John Dipper*, *Thomas Easthope*, *John Easthope*, *Robert Edwards* Maltster, *Henry Fowke*, *Henry Hooper* Fryer, *John Gregory* Maltster, *Moses Goodere* Confectioner, *Nathaniel Hartland*, *John Allis Hartland*, *Thomas Holland*, *Thomas Andrew Holland* Mercer, *Henry William Harris*, *Benjamin Holland* Surgeon, *Samuel Healing* Maltster, *Henry Hope* Chandler, *Abraham Harris* Hofier, *John Jenkins* Maltster, the Reverend *Robert Knight* Clerk, *James Kingsbury* Hofier, *Richard Lucas*, *Thomas Dawson Lewis* Hofier, *William Lloyd* Baker, *Omwel* *John Lloyd* Mercer, *John Martin*, *John Martin*, *George Matthews*, *William Moore* Wine Merchant, *John Moore* Maltster, *John Martin* Farmer, *Thomas Osborne* Draper, *Thomas Orme* Grocer, *Michael Proctor*, *Thomas Porter*, *Sir George Onesiphorus Paul* Baronet, *George Prior* Hofier, *James Petley* Mercer, *Nicholas Player* Cooper, *William Proffer* Clerk, *William Procter* Maltster, *Daniel Hook Pargitter* Surgeon, *Edward Reddell* Printer, *James Spilbury* Surgeon, *William Thomas* Grocer, *John Terrett* Hofier, *Thomas Vernon* Wine Merchant, *Robert Martin*, *Popham Wall*, *Joseph Wickes*, *Henry Welling* Maltster, *Thomas Whithorne* Maltster, *Matthew Wright* Hofier, and *James Yearsley*, and their Successors to be appointed as herein-after is mentioned, shall be and they are hereby constituted and appointed Commissioners for building a new Gaol, House of Correction, and Penitentiary House, for the Borough and Parish of *Tewkesbury* aforesaid, and for executing such of the Powers, Intents, and Purposes of this Act as are herein-after directed to be put in Execution by them the said Commissioners.

For electing  
new Commis-  
sioners.

II. And be it further enacted, That when any Commissioner shall die, or by Writing under his Hand, delivered to the Clerk of the said Commissioners, shall refuse to act, or shall neglect to attend the public Meetings of the said Commissioners to be held in pursuance of and for putting this Act into Execution, for the Space of One Year at any One Time, without a reasonable Cause, it shall be lawful for the surviving or remaining Commissioners, from Time to Time, at a Meeting to be called for that Purpose (of which Meeting Notice shall be given by Writing under the Hand of the Clerk to the said Commissioners, to be affixed on the principal Outward Door of the Parish Church of *Tewkesbury* aforesaid, upon some Sunday Seven Days at least before the Day of such Meeting) by Writing under their Hands, to elect some other Person to be a Commissioner in the Place of every Commissioner so dying, refusing, or neglecting to act; and every Person so elected is hereby vested with the same Powers for putting this Act into Execution, as if he had been named a Commissioner in and by this Act.

Additional  
Number of  
Commission-  
ers to be  
elected.

III. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered to elect any Number of additional Commissioners, not exceeding Ten in the Whole, who shall have the same Power and Authority for executing this Act as if they had been hereby nominated and appointed.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except such as shall be Commissioners by virtue of their Office as Bailiffs, High Steward, Recorder, or Justices of the Peace respectively) unless he shall have or be seised of, in Law or Equity, in his own Right, or in Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Lands or Tenements within the said Borough and Parish, either in Fee Simple or for Life or Lives, or for a Term of Years determinable on One or more Life or Lives, or for a Term of Years certain, originally created for Twenty-one Years at the least, of the clear yearly Value of Fifty Pounds over and above what will satisfy or discharge all Incumbrances affecting the same, and over and above all Rents and Charges payable out of or in respect of the same; or be possessed of a Personal Estate to the Amount or Value of One thousand Pounds; and no Person shall be capable of acting as a Commissioner under this Act, in any Matter in which he shall be interested, or whilst he shall hold any Place of Profit under this Act, or whilst in his private Capacity he shall be concerned in any Contract or Agreement relative to the Execution of this Act, except lending Money on the Credit and for the Purposes thereof, and every Person, except Commissioners, by virtue of their Office as aforesaid, before he acts as a Commissioner (except in administering the Oath or Affirmation hereinafter mentioned) shall take and subscribe, before any Two or more of such Commissioners, the Oath or Affirmation following; (that is to say),

Qualification  
of Commis-  
sioners.

‘ I *A. B.* do swear [or, being one of the People called Quakers, do solemnly affirm], That I am truly and *bonâ fide* in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Lands or Tenements, within the Borough and Parish of *Tewkesbury*, in the County of *Gloucester*, of the clear yearly Value of Fifty Pounds above Reprizes [or, possessed of a Personal Estate to the Amount or Value of One thousand Pounds, as the Case may be]; and that I will truly and faithfully execute the Trusts reposed in me by *An Act for erecting a new Gaol, House of Correction, and Penitentiary House, in the Borough of Tewkesbury, in the County of Gloucester*, to the best of my Skill and Knowledge, without Favour or Affection to any Person whomsoever.

Commissioners Oath or Affirmation.

‘ So help me GOD.’

And if any Person, not being qualified as aforesaid, shall act as a Commissioner for putting this Act or any of the Powers herein contained into Execution, or being qualified, shall previous to his acting as a Commissioner neglect or refuse to take such Oath or make such Affirmation as aforesaid, according to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act; and the Money so to be recovered shall, after Payment of the extra Costs and Expences attending the Recovery thereof, be applied towards the Purposes of this Act: Provided always, that all the Acts and Proceedings of any Person,

Penalty on acting if not qualified.

as

as a Commissioner in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act.

Victuallers  
not to be  
Commissioners.

V. And be it further enacted, That no Person who is a Victualler, or sells Ale, Wine, Cyder, or Spirituous Liquors by Retail, shall be capable of acting as a Commissioner under this Act.

Meetings of  
Commissioners.

VI. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet at the Town Hall, within the Borough aforesaid, within Fourteen Days next after the passing of this Act, between the Hours of Ten in the Forenoon and Four in the Afternoon of the same Day, and proceed to the Execution of this Act; and the said Commissioners, or any Five or more of them, may then and from Time to Time afterwards adjourn themselves to meet at the said Town Hall, or some other convenient Place within the said Borough, for putting this Act in Execution, as they shall think proper, on any Day not exceeding Fourteen Days from such Day of Adjournment; and if at any of the Meetings to be held in pursuance of this Act, the Commissioners present shall omit or neglect to adjourn such Meeting as aforesaid, or if there shall not be a sufficient Number of Commissioners then present to adjourn, then and in every such Case the Clerk to the said Commissioners shall adjourn the Meeting to such Time and such Place within the said Borough as he shall think fit, not exceeding Fourteen Days from the Time of such last-mentioned Adjournment; of all which respective Times and Places of Meeting the Clerk to the said Commissioners shall give Notice by Writing under his Hand, to be affixed upon the principal Outward Door of the said Parish Church of *Tewkesbury* aforesaid, upon some *Sunday* at least Seven Days before every such Meeting; but no Business shall be begun or proceeded in at any Meeting of the said Commissioners before the Hour of Ten in the Forenoon, nor shall any Adjournment be made to a later Hour than Four in the Afternoon.

May be ad-  
journed by  
Commissioners.

If Commis-  
sioners omit,  
or if there shall  
not be a suffi-  
cient Number  
to adjourn,  
their Clerk  
may adjourn  
Meetings.

If the Clerk  
shall neglect  
to adjourn  
Meetings,  
Commissioners  
may call a  
Meeting.

VII. Provided always, and be it further enacted, That in case there shall not be a sufficient Number of Commissioners at any Meeting to proceed on the Execution of this Act, and the Clerk to the said Commissioners shall neglect to adjourn such Meeting, then it shall be lawful for any Five or more of the said Commissioners, by Writing under their Hands, to be affixed on the principal Outward Door of the said Parish Church as aforesaid, on some *Sunday* before or during Divine Service, to call a Meeting of the Commissioners, for the Purpose of putting this Act into Execution, at any Time and Place they shall think proper, not exceeding Seven Days from the Publication of such Notice.

Chairman to  
be appointed;  
who shall have  
the casting  
Vote.

VIII. And be it further enacted, That at every Meeting of the Commissioners to be held in pursuance of this Act, the Commissioners then present, or the major Part of them, shall name and appoint a Chairman or President of such Meeting; and all Questions proposed or agitated at such Meeting, shall be determined by the Majority of the Commissioners then present; and in case of an equal Number of Voices or Votes of the Commissioners so assembled upon any such Question, including the Voice or Vote of the said Chairman or President, then the Chairman or President shall have the casting and decisive Voice or Vote.

IX. And

IX. And be it further enacted, That all Acts, Orders, Resolutions, Determinations and Proceedings of the said Commissioners, in the Execution of the Powers of this Act, shall be made at Meetings to be held as aforesaid and not otherwise, and signed by the Commissioners making the same, and that no Act, Order, Resolutions, Determination or Proceeding of the said Commissioners, so made and signed as aforesaid, shall afterwards be altered, revoked, repealed or set aside, unless at a Meeting to be called especially for that Purpose, by Notice signed by the Clerk to the said Commissioners, to be affixed on the principal Outer Door of the said Parish Church, on some *Sunday*, at least Fourteen Days before such Meeting; and unless the Number of Commissioners at such Meeting, desiring or voting for such Alteration, Revocation or Repeal, shall be greater than the Number of Commissioners who concurred in making such Act, Order, Resolution, Determination or Proceeding: Provided always, that no Act, Order, Resolution or Determination shall be made, or other Business done at any Meeting to be held in pursuance of this Act, at which Five at least of the said Commissioners shall not be present, but such Meeting shall be adjourned as herein-before mentioned.

All Proceedings of Commissioners to be at Meetings.

X. And be it further enacted, That the said Commissioners shall, at all their Meetings to be held in pursuance or by virtue of this Act, bear and pay their own Charges and Expences.

Commissioners to pay their own Expences.

XI. Provided always, and be it further enacted, That it shall and may be lawful to and for such of the said Commissioners as shall be Justices of the Peace for the said Borough, to act as Justices in the Execution of this Act and every Part thereof, notwithstanding their being Commissioners.

Justices, being Commissioners, may act as Justices.

XII. And be it further enacted, That all Acts, Orders, Resolutions, Determinations and Proceedings, which shall be made by the said Commissioners at any of their Meetings to be held in pursuance of this Act as aforesaid, shall be entered in a Book, to be kept for that Purpose by the Clerk to the said Commissioners, which Book shall be signed by the Commissioners present at such Meetings, and concurring in such Acts, Orders, Resolutions, Determinations and Proceedings, and also by their Clerk; and all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and shall be admitted to be read in Evidence in all Causes, Suits and Actions touching any Thing to be done in pursuance and by virtue of this Act; and such Books shall be kept by the Clerk to the said Commissioners as they shall from Time to Time direct, and shall at every such Meeting, and at all reasonable Times, be open and liable to the Inspection of the said Commissioners, and of all Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby; and when the Commission appointed by this Act shall cease, in consequence of the final Execution of all the Powers hereby entrusted to the said Commissioners, such Books of Proceedings, and all other Books to be used for the Purposes of this Act, shall be deposited with the Chamberlain of the Borough of *Tewkesbury* aforesaid, and be by him kept and preserved among the Records of the said Borough.

Books of Proceedings to be kept, and to be admitted as Evidence.

XIII. And be it further enacted, That the said Commissioners shall and may appoint a Treasurer, Clerk, Surveyor or Surveyors, and such other

Commissioners may appoint Officers.

[*Loc. & Per.*]

other Officers for executing the Powers of this Act, and take such Security from them, as they the said Commissioners shall think necessary; and shall at their Pleasure remove any such Officer or Officers, and appoint others in the Room of such as shall die or be so removed; and out of the Monies arising by this Act pay such Salaries or Allowances as they shall think proper to their Officers and all others employed under their Authority.

Officers to  
account.

XIV. And be it further enacted, That all Clerks, Treasurers, Collectors and other Officers and Persons employed by the said Commissioners, shall from Time to Time, when thereunto required by the Commissioners or any Five or more of them, deliver to such Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected and received, and how and to whom and for what Purposes the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall, if required, verify such Accounts upon Oath or Affirmation, (which Oath or Affirmation the said Commissioners are hereby authorized to administer), and pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Commissioners or any Five or more of them shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts, or to produce and deliver up the Vouchers relating thereto, or to verify the same on Oath or Affirmation, or to pay the Balance remaining in their Hands, when thereunto required as aforesaid; or if such Officers or Persons, or any other Person, shall refuse or neglect to deliver up to the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required, all Books, Accounts, Papers and Writings in their respective Custody or Power any-ways relating to the Execution of this Act, and Complaint shall be made of any such Refusal or Neglect to any Justice of the Peace for the County, City, Town, Borough or Place where such Officers or Persons respectively so neglecting or refusing shall live and reside, such Justice shall and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him; and upon his or their appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Commissioners or any Five or more of them might have done; and if upon the Confession of such Officer or Person, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Person, such Justice shall and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money and the Charges of such Distress and Sale, or if it shall in Manner aforesaid appear to such Justice that any such Officer or Person shall refuse or neglect to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or to deliver up or give Satisfaction respecting  
any

any Books, Papers or Writings relating to the Execution of this Act as aforesaid, then it shall and may be lawful for such Justice to commit every such Offender to the Common Gaol or House of Correction of and for the County, City, Town, Borough or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he or they shall give and make a true and perfect Account and Payment as aforesaid, or shall compound with the said Commissioners touching the same, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive), and until he or they shall deliver up all such Books, Papers and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners as aforesaid; but no Person who shall be committed on account of his not having sufficient Goods or Chattels as aforesaid, shall be detained in Prison for any longer Term than Six Calendar Months.

XV. And be it further enacted, That the said Commissioners shall and may sue or be sued for or concerning any Matter or Thing relative to this Act, in the Name of the Clerk to be appointed under this Act, as hereinbefore mentioned, for the Time being; and that no Action that may be brought or commenced by or against the said Commissioners, or any of them, by virtue of this Act, in the Name of the said Clerk, nor any Proceeding thereon, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Commissioners or any Five or more of them; but the said Clerk for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case may be; and the same shall and may be proceeded in, by or in the Name of his Successor or Successors.

Commissioners to sue and be sued in Name of their Clerk.

XVI. Provided always, and be it further enacted, That every such Clerk, in whose Name such Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto; or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Clerk to be reimbursed his Expences.

XVII. And be it further enacted, That the said Commissioners or any Five or more of them shall, with all convenient Speed after the passing of this Act, fix upon such Piece or Spot of Land or Ground, within the Borough and Parish of *Tewkesbury* aforesaid, for building thereon a new Gaol, House of Correction, and Penitentiary House, as shall appear to them to be most commodiously situate; and in so fixing, shall more particularly have regard to the Airiness, Dryness, and Healthiness of the Situation, the Accommodation of Water, the avoiding all ill Smells, and being overlooked; and for that Purpose to the keeping at a proper Distance from the Centre of the Town of *Tewkesbury*, and yet being near enough for the Purpose of Accommodation and Security; and also to placing the said new Gaol, House of Correction, and Penitentiary House, as near to the Town Hall in the said Borough of *Tewkesbury* as may be, consistently with the aforesaid Directions.

Commissioners to fix on Ground for building Gaol.

XVIII. And

Such Choice  
to be con-  
firmed.

XVIII. And be it further enacted, That no Order or Determination of the said Commissioners, as to such said Piece or Spot of Ground, shall be of force till it shall be confirmed by the said Commissioners, or any Five or more of them, at a Second Meeting, to be holden at least Fourteen Days from the Day of fixing and making such Order as aforesaid; of which Second Meeting, and the Purposes thereof, Ten Days Notice at least shall be given by the Clerk to the said Commissioners, by Writing under his Hand, to be affixed on the Church Door of *Tewkesbury* as aforesaid.

Houses not  
to be taken  
down without  
the Owner's  
Consent.

XIX. Provided nevertheless, and be it enacted, That no Lands or Grounds shall be taken, or any Messuages or Dwelling Houses shall be taken or pulled down for the Purposes of this Act, without the Consent of the Owner or Owners thereof in Writing being first had and obtained.

Commission-  
ers to pur-  
chase the  
Premises.

XX. And be it further enacted, That when and so soon as such Place, Piece, or Spot of Ground for such new Gaol, House of Correction, and Penitentiary House shall be so fixed upon, and the Order confirmed as aforesaid, the said Commissioners, or any Five or more of them, shall and they are hereby authorized and empowered to contract for the absolute Purchase in Fee Simple of such Piece or Spot of Ground, together with any Houses or Buildings thereon, or that shall be standing within Fifteen Feet of the intended Boundary Wall, for the Purpose of building and erecting the said new Gaol, House of Correction, and Penitentiary House, and for obtaining a clear Space of Ground surrounding the same, in Manner and for the Purposes herein-after directed; and such Pieces or Parcels of Land or Ground and Houses or Buildings shall be conveyed to the Bailiffs of the said Borough of *Tewkesbury* for the Time being and their Successors, who are hereby authorized to hold the said Piece of Ground, and the intended new Erections and Buildings thereon, in perpetual Succession, for the Purposes of this Act.

All Persons  
enabled to  
sell.

XXI. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Females Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any Lands, Tenements, or Hereditaments which shall be fixed upon as aforesaid, to contract and agree with the said Commissioners, or any Five or more of them, for the Sale thereof, or of their Interest therein, and to convey the same unto the Bailiffs of the said Borough of *Tewkesbury* and their Successors as is herein-before directed; 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, 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, Guardians, Feoffees,



Feoffees, Trustees, Committees, and all other Persons, shall be and they are hereby indemnified for making the same.

XXII. And be it further enacted, That in case any such Body Politic, Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands, Tenements, or Hereditaments, 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 Thirty 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 Commissioners, or any Five or more of them, shall cause the Value of and Recompence to be made for such Lands, Tenements, Hereditaments and Premises so fixed upon as aforesaid, to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County of *Gloucester*; and in order thereto the said Commissioners, or any Five or more of them, 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 Commissioners shall, by ordering a View or otherwise, use all Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed the Value of and Recompence for such Lands, Tenements, or Hereditaments respectively, they the said Commissioners 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 Lands, Tenements, Hereditaments, and Premises 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 and 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 all other Persons whomsoever; and for summoning and returning such Juries, the said Commissioners are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Gloucester*, requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff is hereby required 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 Commissioners 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, the said Sheriff or his Under Sheriff or Under Sheriffs, Bailiff or Bailiffs, or the said Commissioners, 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 con-

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

cerned shall have their lawful Challenges against any of the said Jurymen when they shall come to be sworn; and the said Commissioners 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, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or 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, or appearing shall refuse to be sworn or examined, or to give Evidence, so that no such Fine be more than Ten Pounds on any Person for One Offence.

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

XXIII. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict for more Money as a Recompence or Satisfaction than shall appear to them to have been offered or tendered by the said Commissioners before the summoning or returning such Jury, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the said Commissioners out of the Money arising by virtue of this Act; but if any such Jury shall give in and deliver a Verdict for no more or for less Money, as a Recompence or Satisfaction than shall so appear to have been offered or tendered by the said Commissioners before the summoning or returning the said Jury or Juries, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the obtaining such Verdict or Determination, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; and which Costs and Expences shall be ascertained and settled by some Justice of the Peace for the said County of *Gloucester*, not interested in the Matter in question, (who is hereby authorized and required to examine into and settle the same,) and shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment and Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be in Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand after being so settled and ascertained as aforesaid, may be recovered by the Clerk to the said Commissioners, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act: Provided always, that in all Cases where any Person or Persons shall by Reason of Absence have been prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners in Manner aforesaid.

Application  
of Compensation  
when  
exceeding  
200l.

XXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, 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 High Court of Chancery, to be placed to his Account there, *ex parte* "The Commissioners for building a New Gaol, House of Correction, and Penitentiary House in and for the Borough of *Tewkesbury* in the County of *Gloucester*," to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, 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 Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, 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 mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, 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 Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of

When less than 200 l. and exceeding 20 l.

of by said Commissioners, or any Five or more of them (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 Chancery.

Where less than 20l.

XXVI. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Commissioners or any Five or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

XXVII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or any Five or more of them, 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 Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, 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 Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Tenements [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 other 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.

Where any Question shall arise touching the Title to Money to be paid, the Per-

XXVIII. Provided always, and be it further enacted, That when 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 Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased

chased 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 Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; 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 and applied and disposed of accordingly; unless it 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 Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

son in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto.

XXIX. 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 Lands, 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 Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance thereof respectively, 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 Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXX. 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 Lands, Tenements, or Hereditaments, 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, at any Time 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 Commissioners, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, 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 Commissioners and their Agents, Servants, and Workmen, immediately to enter upon such Lands, 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 Bailiffs of the said Borough of *Tewkesbury* for the Time being, and their Successors, to and for the Purposes of this Act; and such Payment, Tender, or Investiture shall not only bar all Right, Claim, Interest, and Demand of the Person or Persons to 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

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

other Estates in Reversion and Remainder of his, her, or their Issue, and of every Person whomsoever therein; provided nevertheless, that before such Payment, Tender, or Investment as aforesaid, it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to make use of such Lands, Tenements, or Hereditaments, for the Purposes of this Act, without Leave of the respective Owners or Occupiers thereof, in Writing under their respective Hands.

Mortgagees  
to convey.

XXXI. And be it further enacted, That every Mortgagee of any such Lands, Tenements, Hereditaments, and Premises, which shall be so fixed upon, contracted for, and purchased as aforesaid, in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, on having Six Calendar Months Notice in Writing given to him, her, or them, from the said Commissioners, or any Five or more of them, for paying off the Principal Money and Interest which shall be due on such Mortgages respectively, shall at the Expiration of the said Six 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 Bailiffs of the said Borough for the Time being 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 Interest on every such Mortgage, from the Expiration of the said Six Calendar Months after any such Notice, shall cease and determine.

Occupiers at  
Rack Rent of  
any Premises  
purchased, to  
give up Possession thereof  
after Six  
Months  
Notice.

XXXII. And be it further enacted, That in case the said Commissioners or any Five or more of them, or any Person authorized by them, shall, after any Lands, Tenements, Hereditaments, or Premises shall be purchased in pursuance of this Act, give Six Calendar Months Notice in Writing to all or any of the Tenants at Rack Rent or Occupiers of such Lands, Tenements, Hereditaments, or Premises, to give or deliver up the Possession thereof, then every such Tenant or Occupier shall, at the End of such Six 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 Commissioners, or the Person or Persons who shall be appointed by them or any Five or more of 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 Six Calendar Months be absolutely void and of none Effect as against the said Commissioners or any of them; and if any Person or Persons 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 Six Calendar Months after such Notice, it shall and may be lawful for the said Commissioners, or any Five or more of them, to issue their Precept to the Constables of the said Borough of *Tewkesbury* for the Time being, or to any or either of them, to cause Possession thereof to be delivered up to such Person or Persons who shall be in such Precept or Precepts nominated to receive the same; and the said Constable and 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

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 Commissioners, or any Five or more of them.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, and they are hereby authorized and required, with all convenient Speed after the passing of this Act, to build and erect, or cause to be built and erected, on the Lands, Tenements, Hereditaments, and Premises so to be purchased as aforesaid for the Purposes of this Act, a convenient new Common Gaol, with a Penitentiary House and House of Correction, and sufficient Out-courts and Outlets thereto respectively, for the Confinement of Criminals, Debtors, and others; and also such proper House or Place for the Residence of the Gaoler or Keeper of the said Common Gaol, House of Correction, and Penitentiary House, to be fitted up and furnished in a complete and effectual Manner for the Reception, Security, and Health of such Prisoners, as to them the said Commissioners, or any Five or more of them, shall seem best adapted to answer the Purposes of this Act, according to the several Uses for which the same are hereby respectively appointed; for doing of all which the said Commissioners, or any Five or more of them, are hereby authorized to make such Contracts, and to employ such Artificers, Workmen, Labourers, and others, and to do all such Things as shall in their Discretion appear requisite in the Premises: Provided that such Common Gaol, House of Correction, and Penitentiary House, and the said House of Residence for the Gaoler, Keeper, or Governor of the said Common Gaol, House of Correction, and Penitentiary House, shall be one Building, and under one and the same Roof.

Commissioners to build a new Gaol, &c.

XXXIV. 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 Commissioners, or any Five or more of them, for building and completing the said new Gaol, House of Correction, and Penitentiary House 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 Commissioners, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, in the Name of their Clerk to be appointed under and by virtue of this Act as aforesaid 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, take away or damage any such Materials, or disturb them in the Possession thereof; and every Action so to be brought, and every Indictment wherein any such Materials shall be laid to be the Property of the said Commissioners, shall be good and valid in the Law to all Intents and Purposes.

Materials vested in the Commissioners.

XXXV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, pull down or destroy the said new Gaol, House of Correction, and Penitentiary House, 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

For punishing Persons obstructing or damaging the Buildings.

be.

be guilty of Felony; and being lawfully convicted thereof at any General Quarter Sessions of the Peace to be holden for the said Borough, shall be subject and liable to the like Pains, Penalties and Punishments as Persons convicted of Felony 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 Felony are directed to be punished by the Laws and Statutes of this Realm.

New Gaol to  
be the Com-  
mon Gaol.

XXXVI. And be it further enacted, That when the said new Gaol shall be finished, it shall be the Common Gaol for the said Borough and Parish of *Tewkesbury*, and shall at all Times for ever thereafter be kept in Repair and maintained; and the Prisoners therein shall be maintained and supported by the Means and in Manner herein-after mentioned and directed; and the Bailiffs of the said Borough for the Time being shall have the keeping of such new Gaol; and when the said Gaol shall be fit for the Reception of Prisoners, the said Commissioners, or any Five or more of them, shall cause Notice to be given thereof to the said Bailiffs, who shall, with all convenient Speed, remove all such Prisoners as shall be in their Custody to such new Gaol; which Removal shall not be deemed, construed, or taken to be an Escape.

Old Gaol to  
be pulled  
down for the  
Purposes of  
this Act.

XXXVII. And whereas the present Common Gaol in and for the said Borough and Parish is vested in and is the Property of the Bailiffs, Burgeses and Commonalty of the said Borough of *Tewkesbury*, who, to promote and carry into Execution the Purposes of this Act, are willing that the said Gaol and the Materials thereof, together with the Scite or Ground whereon the same now stands, shall be sold and disposed of as herein-after mentioned, and the Monies arising by the Sale thereof, if the same shall be sold, applied to the said Purposes; be it therefore further enacted, That after all the Persons in the Custody of the Bailiffs of the said Borough shall as herein-before directed be removed to the said new Gaol, it shall be lawful for the said Commissioners, or any Five or more of them, to cause the said Common Gaol for the said Borough and Parish to be taken down, and the Materials thereof, or any Part thereof, and the Ground and Scite of and belonging to the said present Gaol, or such Part thereof as shall not be appropriated by the said Commissioners to the widening of the Street or enlarging the Church Yard of the said Borough and Parish of *Tewkesbury* (which they the said Commissioners are hereby authorized and empowered to do, if they shall think it necessary and expedient) to be sold and conveyed to such Person or Persons as shall contract for or purchase the same; and the Money arising thereby (after paying and discharging the necessary Costs, Charges and Expences attending and incidental to such Sale) to be paid to the Treasurer for the Time being under this Act, in order to be applied in Aid of the Rates, Assessments and other Monies herein-after directed to be made, collected and raised for the Purposes of this Act.

Justices to  
have the like  
Power over  
House of  
Correction as

XXXVIII. And be it further enacted, That when and as soon as the said House of Correction shall have been erected and built, the same shall be fitted up and furnished, by Order of the said Commissioners, or any Five or more of them, as Houses of Correction are directed to be by an Act



Act passed in the Seventeenth Year of the Reign of His Majesty King George the Second, intituled *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction*; and so soon as such House of Correction shall be fit for the Reception of Offenders, the Justices of the Peace for the said Borough of *Tewkesbury* shall have the like Power and Authority over the same, as Justices of the Peace have by virtue of any Law now in force over those already erected and provided within any of the Counties of *England* and *Wales*; but the Bailiffs of the said Borough for the Time being shall have the Power of appointing and removing from Time to Time the Governor or Keeper and Officers thereof; and the said Justices, at their First or some other General Quarter Sessions after the said House of Correction shall be so completely erected and finished, shall frame a Body of Orders and Regulations for governing and regulating the same, and for employing, relieving and punishing the Persons therein, according to the true Intent and Meaning of the said last-mentioned Act, and shall then, in case they shall think it right so to do, declare the same to be fit for the Reception of Offenders, and shall make such Order for using the same accordingly, and such other Orders as the Nature of the Case shall require; and the said new House of Correction shall from the Time of its being first used as such, together with the Buildings, Aqueducts, Easements and Appurtenances thereto belonging, be supported and repaired; and all Persons to be therein confined shall from Time to Time and at all Times for ever after be maintained and provided, and the Salaries of Officers and other Persons to be employed in the Conduct and Management of the same shall be paid, borne and defrayed, and all Materials and Implements shall be found and provided, by the Means and in the Manner herein-after mentioned.

XXXIX. And for raising Money for and towards all the Purposes of this Act, be it further enacted, That from and after the Commencement of this Act, the said Commissioners, or any Five 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 Borough and Parish of *Tewkesbury* for One Year then next following, and shall certify the same by Writing, signed by their Clerk for the Time being, to the Justices of the Peace for the said Borough, at their *Michaelmas* General Quarter Sessions to be holden in and for the said Borough, or any subsequent General Quarter Sessions in every Year; and the said Justices are at such Sessions hereby empowered and required thereupon to order and appoint such Sum or Sums of Money so certified (and after the Powers, hereby given to and vested in the said Commissioners shall be fully executed and completed, then the said Justices shall and they are hereby empowered, at such Sessions, to order and appoint such Sum or Sums of Money as they shall deem expedient and sufficient for keeping in repair, maintaining and supporting the said Common Gaol, House of Correction, and Penitentiary House, and Buildings to be erected by virtue of this Act, and for the Salaries and Allowances to the Officers to be appointed by virtue thereof; (save and except the Salary of the Gaoler of the said Gaol, whose Salary shall be paid by the Bailiffs, Burgesses and Commonalty of the said Borough, as the same hath heretofore been, and for the Support, Maintenance and Employment of the Prisoners, and other the Purposes of this Act) to be

[Loc. &amp; Per.]

36 K

raised

raised and levied by Taxation of all Lands, Houses, Buildings, Tenements and Hereditaments whatsoever, within the said Borough and Parish, in equal Proportions, according to the respective Worth and Value (of which Taxation the Rates collected by, for the Relief of the Poor of the said Parish of *Tewkesbury* shall be the Criterion and Rule) and by Warrant under their Hands and Seals to authorize and require the Churchwardens and Overseers of the Poor of the said Parish of *Tewkesbury* to rate and assess, demand, collect and receive the same respectively.

Limiting the Sum to be raised.

XL. 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 Commissioners to have any further or greater Sum of Money raised in the whole, by way of Rate, than the Sum of Three thousand Pounds, for the Purpose of erecting and completing the said Common Gaol, House of Correction, and Penitentiary House, and other Buildings to be erected by virtue of this Act; including the Costs and Charges of obtaining and passing this Act, and the furnishing the said New Gaol, House of Correction, and Penitentiary House.

No more than a Rate of One Shilling in the Pound to be made and collected in One Year.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, taken or construed to extend, to authorize and empower such Justices of the Peace to order and appoint any greater Sum or Sums of Money to be raised by such Taxation in any One Year, than One Shilling in the Pound on the annual Value of all the Houses, Buildings, Lands, Hereditaments and Premises, within the said Borough and Parish of *Tewkesbury*.

For Recovery of Rates.

XLII. And be it further enacted, That if any Person or Persons liable to the Payment of any such Rates or Assessments shall refuse and neglect to pay the same, then and in every such Case it shall and may be lawful to and for the said Churchwardens and Overseers of the Poor of the said Parish of *Tewkesbury*, and they are hereby authorized and required, by Warrant under the Hands and Seals of any Two or more of the Justices of the Peace acting in and for the said Borough (which Warrant such Justices are hereby authorized and required to grant upon Proof being made upon Oath of the Demand and Non-payment thereof, which Oath or Oaths the said Justices are hereby authorized and required to administer) to levy all and every such Rates and Assessments by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the same, which shall be found either in the said Borough or Parish, or in any other Parish, Liberty, or Place in the said County of *Gloucester*; but if sufficient Distress cannot be found within the said County, then in any other County, City, Liberty, or Place, upon such Warrant being countersigned by One Justice of the Peace of such other County, City, Liberty, or Place, which Warrant such Justice is hereby authorized and required to countersign; and if within Seven 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 Churchwardens and Overseers of the Poor shall cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering 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;

Sale; which Costs and Charges, in case of Dispute, shall be settled and ascertained by any One or more of His Majesty's Justices of the Peace for the said Borough.

XLIII. And be it further enacted, That if the said Churchwardens and Overseers of the Poor, or any of them, shall refuse or neglect, by the Space of Ten Days next after the issuing forth of any such Warrants, to make such Assessments, or shall refuse or neglect, by the Space of Thirty Days next after any such Assessments shall be made, to demand, collect, receive, or pay the same as herein-before directed, then and in either of those Cases the said Commissioners, or any Five or more of them, shall have Power and Authority to raise and levy, by Distress of the Goods and Chattels of such Churchwarden or Overseer so neglecting or refusing, and by Sale thereof, if not redeemed within Seven Days next after such Distress taken, all such Sum and Sums of Money as ought by virtue of this Act to be so assessed, demanded, collected, received, or paid, to be employed to the same Uses to which the Money so to be assessed, demanded, collected, and paid as aforesaid ought, by virtue of this Act, to be employed, rendering the Overplus (if any) on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

If Churchwardens and Overseers refuse or neglect to assess and collect such Rates, the Amount may be raised by Distress of the Goods and Chattels of such Officers.

XLIV. And be it further enacted, That the said 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 such Tenants or Occupiers respectively shall and may deduct and retain out of the Rents payable to the Landlords or Owners of such Premises respectively, One Moiety or Half 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 Interests, are hereby required to allow to such Tenants or Occupiers respectively, such Moiety accordingly; and every such Tenant or Occupier shall be acquitted and discharged of such Moiety, in such Manner, and as fully and effectually as if the same had been actually paid in 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.

To be paid by the Tenants, and a Moiety thereof allowed them by their Landlords.

XLV. Provided always, and be it further enacted, That when the Trusts, Powers, and Authorities hereby given to the said Commissioners shall be fully executed, and shall cease and determine in Manner herein-after mentioned, that then and from thenceforth the Whole of the Rates to be made, assessed, and collected by virtue of this Act shall be borne, paid, and discharged by the Tenant or Tenants, and Occupier or Occupiers of such Lands, Tenements, and Hereditaments, and Premises alone.

When Commission ceases, Rates to be paid by Tenants.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend to make void any Contract, Covenant, or Agreement between Landlord and Tenant, relating to the Payment of any Rates or Assessments to be made by virtue of this Act as aforesaid.

Not to avoid Agreement between Landlord and Tenant.

XLVII. Provided always, and be it further enacted, That if any Person or Persons, being a Tenant or Occupier of any Messuages, Lands, Tenements, or Hereditaments within the said Borough and Parish of *Tewkesbury*,

If Tenants are poor Justices may excuse Payment of Rates.

*bury*, shall neglect or refuse to pay his, her, or their Proportion of the said Rate, and being summoned to shew Cause why they do not pay the same, before Two of His Majesty's Justices of the Peace for the said Borough, in the same Manner and Form, in all respects, as on Neglect or Refusal to pay the Rates for the Relief of the Poor, it shall appear to such Justices that such Person or Persons are poor, and unable to pay the same, it shall be lawful to and for such Justices to excuse and exonerate such Person or Persons from the Payment thereof; but no such Justices shall in anywise excuse or exonerate any Person or Persons whomsoever from the Payment of the Moiety or Half Part of the said Rates herein-before directed to be paid by the Landlord or Proprietor of such Messuages or Tenements, Lands and Hereditaments, or any Part thereof.

Concerning  
Persons re-  
moving out  
of the Parish.

XLVIII. And whereas Persons may remove out of the Parish 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, whereby great Sums may be annually lost; be it therefore further 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 other 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 of His Majesty's Justices of the Peace for the said Borough.

Succeeding  
Churchwardens,  
&c.  
may collect  
Arrears.

XLIX. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay any such Churchwardens or Overseers of the Poor any of the Rates, Taxes, or Sums of Money granted by this Act, it shall be lawful for the succeeding or any future Churchwardens or Overseers of the Poor to collect and levy such Arrears: Provided always, that nothing herein contained shall extend or be deemed or construed to extend, to excuse or discharge any such former Churchwardens or Overseers of the Poor from any Penalty or Punishment he or they is or are liable to for Neglect of Duty by virtue of this Act.

Church-  
wardens and  
Overseers to  
pay Money  
collected to  
the Treasurer.

L. And be it further enacted, That the said Churchwardens and Overseers of the Poor shall, and they are hereby required, from Time to Time, when and as they shall respectively collect, recover and levy the Monies to arise by the Rates or Assessments to be made by virtue of this Act, to pay the same into the Hands of the Treasurer of the said Commissioners for the Time being, to be applied and paid for the Purposes of this Act; and upon the Payment of every such Sum of Money to such Treasurer, such Churchwardens and Overseers shall take a Receipt for the same, and produce such Receipt within Fourteen Days next after such Payment shall be made, to the Clerk to the said Commissioners, to be by him entered in a Book to be kept for that Purpose.

Rates may be  
mortgaged  
for Money  
borrowed.

LI. 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

Purposes thereof; be it therefore further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time, and they are hereby empowered to borrow and take up on Mortgage of the said Rates and Assessments, by Instruments in the Form contained in the Schedule hereunto annexed, such Sum or Sums of Money as to them shall appear necessary and expedient for the Purposes aforesaid, not exceeding in the Whole the Sum of Two thousand five hundred Pounds at legal or lower Interest, in separate and specific Sums of One hundred Pounds each; and every such Mortgage for securing the Payment of such Sum and Sums of Money and Interest, shall be signed by the said Commissioners, or any Five or more of them, at a Meeting held under and by virtue of this Act; and all such Mortgages shall be clear of all Fees and Expences whatsoever from the Persons respectively so advancing the Money; and Copies of all and every such Mortgages shall be entered in a Book or Books, to be kept by the Clerk to the said Commissioners; and all Persons to whom such Mortgages shall be given, are hereby empowered, by Writing or Writings under his, her, or their Hand, or respective Hands, indorsed on the Back of such Mortgages, in the Form also contained in the said Schedule, to sell, assign, or transfer such Mortgages and Securities 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), be entered and copied, by the Clerk to the said Commissioners, 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 Three Shillings 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 Transfers or Assignments thereof shall be made, shall be Creditors on the said Rates and Assessments equally with one another, without regard to the Priority of Date of any such Mortgage or Security.

LII. And in order effectually to secure the regular and punctual Discharge of the Interest on the Principal Sums so to be borrowed on Mortgage, be it further enacted, That the Treasurer for the Time being, to be appointed under and by virtue of this Act, shall and he is hereby required in every Year after the Commencement 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 Hands, out of the Monies arising by the said Rates and Duties, and paid to him by the Churchwardens and Overseers of the Poor of the said Parish and Borough of *Tewkesbury*, such a Sum of Money as will be sufficient to answer, pay, and discharge such Yearly Interest; and in order to facilitate the Payment of the Interest on the said Principal Sums so to be borrowed, the said Commissioners, or any Five or more of them, are hereby required to appoint a Day or Days in every Year 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 Borough of *Tewkesbury*, as they or any Five or more of them shall from Time to Time think proper, and which the Treasurer for the Time being, appointed under this Act, is hereby required to pay accordingly, without Fee; and the said Commissioners, or any Five or more of them, shall and they are hereby required, previous to such Day or Days of Payment in every Year, to

For the regular Discharge of Interest.

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 thereupon to make Order for the regular Discharge of the same; and the said Books, when so adjusted and settled, shall be signed by the said Commissioners, or any Five or more of them present, and shall be kept by the Clerk to be appointed under this Act as aforesaid, for the Time being, and at all convenient Seasons be open to the Inspection of all Persons being Creditors on the said Rates and Assessments, they paying respectively to such Clerk One Shilling for each Time of Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the First Hour.

Mode of discharging Mortgages.

LIII. And whereas it is intended that all the said Mortgages or Securities for the Payment of any Principal Money shall be liable to be discharged by the gradual Operation of a Sinking Fund, without Partiality or Preference; be it therefore further enacted, That as soon as the said new Gaol, House of Correction, and Penitentiary House, and other Buildings and Premises, shall be completed, and before any Money shall be applied in Discharge of any such Mortgages as herein-after directed, the said Commissioners, or any Five or more of them, shall appoint a Meeting of the said Commissioners, of which Fourteen Days Notice shall be given by the Clerk to the said Commissioners in *The Gloucester Journal*, or in some other Newspaper printed and circulated in the said County of *Gloucester*, and to which Meeting all Mortgagees under this Act shall be invited and admitted; and all the said Mortgages shall then and there be drawn by Lot by Order of the Commissioners then present, and numbered according to the Event of such Drawing; and the Mortgages so drawn and numbered, shall be regularly discharged in Succession, according to Priority of Numbers; and Six Calendar Months Notice shall be given by the Clerk to the said Commissioners for the Time being, in the said *Gloucester Journal*, or such Newspaper so printed and circulated as aforesaid, of all such Mortgages being so to be paid off.

Application of the Monies granted by this Act.

LIV. 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 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; and in paying for the Purchase of the said Lands, Tenements, Hereditaments, and Premises so to be purchased as herein-before directed; and in discharging the Expences of erecting, fitting up, and furnishing the said new Gaol, House of Correction, and Penitentiary House, and other Buildings under this Act; and from Time to Time maintaining, supporting, and repairing the same; and also from Time to Time discharging all Salaries, Allowances, Compensations, and other annual and other Charges and Expences whatsoever directed by this Act, and in executing this Act; and as soon as may be after the erecting, fitting up, finishing, and furnishing of the said new Gaol, House of Correction, and Penitentiary House, and other Buildings as aforesaid, the Surplus (after leaving in the Hands of the Treasurer or Treasurers to be appointed under this Act for the Time being, such Sum of Money as the said Commissioners, or any Five or more of them, shall judge necessary for the Purpose of discharging all such Salaries, Allowances, Compensations, and other annual and other Charges and Expences), shall

be applied for the gradual Discharge of the Principal Sums to be borrowed as aforesaid, and the Interest thereof.

LV. Provided always, and be it further enacted, That from and after the Completion and Furnishing of the said new Gaol, House of Correction, and Penitentiary House, with the Buildings by this Act directed to be erected and made, and after such Mortgages shall be drawn and numbered as aforesaid for Payment, there shall not in any One Year be less than the Sum of Four hundred Pounds, 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 or Treasurers for the Time being, to be appointed by virtue of this Act as aforesaid, who shall cancel the same respectively; and such original Mortgages and Assignments so cancelled, shall be good and sufficient Discharges to the said Treasurer or Treasurers; and on passing his or their Account or Accounts, shall be produced by him or them, and allowed as Vouchers for the several and respective Payments made by him or them in respect thereof.

Not less than  
£400. per  
Annum to be  
paid off.

LVI. And be it further enacted, That at the Time when the Ground shall be laid out for the Building of the said new Gaol, House of Correction, and Penitentiary House, there shall be allowed a Space on the Outside of the intended Boundary Wall or Walls of the Buildings to be erected and made by virtue of this Act, on every Side thereof which shall not adjoin to a public Street, Lane, or Highway, of Fifteen Feet at 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, House of Correction, and Penitentiary House respectively, or as a public Highway, as the same Space shall be ordered and directed by the said Commissioners, or any Five or more of them.

For securing  
a free Circu-  
lation of Air.

LVII. And be it further enacted, That all Roads, Streets, and Ways leading to or surrounding the said new Gaol, House of Correction, and Penitentiary House, shall be considered as public Highways, and shall from Time to Time be repaired in such Manner as other public Highways within the said Borough are repaired.

Roads and  
Ways lead-  
ing to the  
Gaol, to be  
public Ways.

LVIII. And be it further enacted, That the Bailiffs of the said Borough of *Tewkesbury* for the Time being, shall appoint a Gaoler, Keeper, Governor, and other Officers as they shall think proper for the said new Gaol, House of Correction, and Penitentiary House, and shall from Time to Time have Power to remove such Gaoler, Keeper, or Governor, and other Officers, or any of them, and to appoint others in their Stead; and such Gaolers, Keepers, Governors, and other Officers shall give such Security to the Bailiffs of the said Borough, for the due and faithful Performance of their respective Duties, as they the said Bailiffs shall think reasonable and sufficient; and such Gaoler, Keeper, Governor, and other Officers may either be proceeded against on the Security so to be given, in case of Negligence or Misbehaviour in their respective Offices, or upon Complaint made against any such Officer to the Justices of the Peace for the said Borough, 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

Gaolers, &c.  
to be ap-  
pointed and  
removed by  
the Bailiffs.

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 Ten 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.

Justices to  
make Rules  
and Regula-  
tions for  
Gaol, &c.

LIX. And be it further enacted, That the Justices of the Peace for the said Borough shall, and they are hereby authorized and required, at the next General Quarter Sessions for the said Borough, which shall be holden after the said new Gaol, House of Correction, and Penitentiary House, shall be fully built, erected, finished, and furnished, to make such Rules, Orders, and Regulations for receiving, separating, classing, dieting, cloathing, maintaining, employing, reforming, governing, managing, treating, and watching all Offenders and other Prisoners of all Descriptions during their respective Confinement in the said House of Correction, and Penitentiary House, and also for adjusting what Aid shall be given to such Offenders, as well during their Confinement as on their being released, 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, confined in the said new Gaol, House of Correction, and Penitentiary House, Cleanliness, Temperance, and a decent and orderly Behaviour, as for securing a just and humane Treatment of them by the Gaoler or Gaolers, Keeper or Keepers, Governor or Governors respectively, and their Servants and Assistants; and also for restraining and prohibiting improper Persons to supply any Prisoner in the said House of Correction and Penitentiary House therein with Money, Cloathing, Provision, or Diet, or any other Thing whatsoever, or to have Access to any such Prisoner, or to be admitted into the said Prison; and also for restraining and prohibiting all Persons whatsoever from supplying any such Prisoner with Money, Cloathing, 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 Persons (not being Prisoners in, Officers or Assistants belonging to such Prison) may or shall be admitted into, remain in, or depart from such Prisons respectively; 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, and to settle such Fees as shall be taken by the Gaolers, Keepers, or Governors of the said Gaol, House of Correction, and Penitentiary House, for the Time being, and what Penalties and Forfeitures shall be incurred by them or any of them respectively, and Persons acting under them, who shall take or receive of any Persons whomsoever, any other larger Fee or Rate than what shall be so regulated and settled; 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 Orders, Rules, and Regulations shall be made at any such Sessions, unless Three Justices at least shall be present; and all such Rules, Orders, and Regulations shall be afterwards added to or altered, from Time to Time, as often as the said Justices of the Peace for the said Borough, at any General Quarter Sessions as aforesaid (at which Three at least shall be present), shall think necessary; and it is hereby enacted that a Table of such Fees, so to be regulated and settled, and the Penalties and Forfeitures incurred by taking larger



larger or other Fees, shall be entered of Record in such Courts respectively; and a Copy thereof shall be hung up in the Court of Quarter Sessions for the said Borough, and another Copy thereof shall be transmitted to the said Gaoler or Gaolers, Governor or Governors, or Keepers respectively, who shall cause the same to be hung up in some conspicuous Place within the said respective Prisons, as shall from Time to Time be appointed by the Visitors herein-after mentioned: Provided always, that it shall not be lawful for any Fee or Fees to be charged by the Gaoler upon any Person discharged in consequence of his or her being acquitted of any Offence.

LX. And be it further enacted, That every Governor and Governors of the said House of Correction and Penitentiary House for the said Borough and Parish, and his and their Assistants, shall have the same Powers over the Offenders to be confined therein, as are or shall be incident to him as Gaoler or Keeper of the said Common Gaol, or to Governors or Keepers of Houses of Correction or Penitentiary Houses within any County at large, or other Part of this Kingdom, by the Laws of this Realm, and in like Manner be answerable for the Escape of any Offender within his or their Custody; and if any Person ordered to hard Labour shall at any Time, during the Term for which he or she shall be so ordered, break Prison, or escape from the Place of his or her Confinement, or in the Conveyance to the same, or from the Person or Persons having the lawful Custody of such Offender; or if any Person shall rescue any Offender who shall be ordered to hard Labour, either during his or her Conveyance to the Place of his or her Confinement, or whilst such Offender shall be in the Custody of the Person or Persons under whose Care or Charge he or she shall be confined; or if any Person shall be aiding and assisting in any such Rescue, or if any Person having such Custody as an Assistant, shall voluntarily or negligently permit such Offender to escape; or if any Person shall by supplying Arms, Tools, Instruments, or Means of Disguise, or shall otherwise in any Manner aid or assist any such Offender in any Escape, or in any Attempt to make any Escape, though no Escape be actually made, every such Offence as aforesaid shall be punished in the same Manner as the like Offence may be punishable by Law in any County at large, or any Part of this Kingdom.

Powers and  
Duty of  
Governors.

LXI. And, for the better preventing of Abuses in the said Common Gaol, House of Correction, and Penitentiary House, be it further enacted, That the Justices of the Peace for the said Borough shall, and they are hereby required, at their *Michaelmas* General Quarter Sessions in each and every Year after the said new Gaol, House of Correction, and Penitentiary House shall be built and finished, to appoint such Two of their Body as they shall think proper and necessary, to be Visitors of the said Common Gaol, House of Correction, and Penitentiary House; and such Visitors may, either together or singly, personally visit and inspect the same, as Occasion shall require, and may examine into the State of the Buildings, the Behaviour and Conduct of the Officer or Officers, and the Treatment and Condition of the Prisoners, the Amount of their Earnings, and the Expence attending such Prisons; and in Matters of pressing Necessity, and within the Powers of their Commission as Justices, such Visitors shall take Cognizance thereon, and proceed to regulate and redress the same; and at any General Quarter Sessions of the Peace for the said Borough, the said Visitors may (if they think it expedient) make

Visitors to be  
appointed.

[*Loc. & Per.*]

36 M

a Report

a Report in Writing of the State and Condition of the same, and of the Abuses which shall have occurred to their Observation thereon; and it shall be lawful for every Justice of the Peace for the said Borough, of his own Accord, and without being appointed a Visitor, to enter into and to examine the same Prisons respectively, at such Time and Times, and as often as he shall think fit; and if he shall discover any Abuses therein, such Justice of the Peace may report them in Writing at the next Quarter Sessions of the Peace for the said Borough; and when and as often as a Report of any Abuses in the said Gaol, House of Correction, and Penitentiary House, shall be made by the said Visitors, or either of them, or by any Justice of the Peace as aforesaid, the Abuses so reported shall be taken into immediate Consideration by the Justices of the Peace for the said Borough, at the Sessions at which such Report shall be made; and they are hereby required to adopt the most effectual Measures for enquiring into and rectifying such Abuses, as soon as the Nature of the Case will allow.

Gaolers, &c.  
to make Re-  
turns.

LXII. And be it further enacted, That the Gaoler, Keeper, and Governor of the said new Gaol, House of Correction, and Penitentiary House for the Time being, on the First Day of every General Quarter Sessions of the Peace to be holden in and for the said Borough and Parish of *Tewkesbury*, shall make a just and true Return in Writing to the Town Clerk of the said Borough, specifying the Name or Names of all and every the Person or Persons 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 such Justice or Justices, and the Offences or Offence of which such Persons or Person were or was convicted, together with the Age, Bodily Estate and Behaviour of every such Convict.

Visitors to  
examine Re-  
turns.

LXIII. And be it further enacted, That every such Return, before it is delivered into Court, shall be examined by the said Visitors, to be appointed as herein-before directed, who are hereby required to sign such Return, and to annex thereunto such Observations as they shall think fit on any Particular therein contained.

Stocks to be  
provided for  
setting the  
Poor on  
Work.

LXIV. And be it further enacted, That the Justices of the Peace for the said Borough, or any Two or more of them, if they shall find it needful so to do, may purchase and provide such Utensils, and a Stock of such Materials as they shall find convenient, for the setting of poor Prisoners on work, as well in regard to poor and needy Persons committed to the said Common Gaol or House of Correction, for Felony or other Misdemeanours, as in Favour of all Debtors and other Prisoners of every Description within the said Gaol, House of Correction, and Penitentiary House, who may at any Time be inclined or willing to work; and may from Time to Time pay and provide fit Persons to oversee and to set such Debtors and Prisoners on Work, and make such Orders for Accounts of and concerning the Premises as shall by them be thought needful, and for Punishment of Neglects or other Abuses, and for bestowing such Part or Proportion of the Profit arising by the Labour of the Debtors and Prisoners so set on work, for their Relief, as the said Visitors for the Time being shall judge proper, which shall be duly observed; and may alter, revoke, or amend such their Orders from Time to Time; and for those Purposes they the said Justices of the Peace, or any Two or more of them,

them, are hereby authorized and empowered to direct and order the Payment of such Sums of Money, out of the Monies to be raised by virtue of this Act, as they shall from Time to Time think fit, to be expended in and about the Premises; and the Treasurer for the Time being to be appointed under this Act, is hereby forthwith required to obey all the said Orders of such Justices, signed by the Town Clerk of the said Borough for the Time being, on him the said Treasurer, who shall be allowed the same in his Accounts.

LXV. And be it further enacted, That it shall be lawful for the said Justices of the Peace for the said Borough for the Time being, or any Two or more of them, from Time to Time to order such Sum or Sums of Money to be paid out of the Monies to arise by this Act, towards assisting such Prisoners of every Description confined in the Common Gaol, House of Correction, and Penitentiary House, as shall not be able to work, or being able, cannot procure Employment sufficient to sustain themselves by their Industry, with such Food and Raiment as they shall from Time to Time think necessary for the Support of Health; and such Money shall accordingly be applied, in Conformity to such Order of the said Justices; and the Treasurer for the Time being to be appointed under this Act is hereby required to obey the said Order as aforesaid, signed by the Town Clerk of the said Borough, and he shall be allowed the same in his Accounts.

Assistance  
may be or-  
dered to Pri-  
soners who  
cannot work.

LXVI. And be it further enacted, That the Property of all and every the Furniture, Utensils, Chattels, Provisions, Cloathing, 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, House of Correction, and Penitentiary House, and for carrying into Execution the Purposes of this Act, shall be and the same are hereby vested in the said Justices of the Peace for the said Borough for the Time being, and their Successors, and they 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 of the said Borough 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 take away any Part of such Furniture, Utensils, Chattels, Provisions, Cloathing, 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 of the Peace, shall be good and valid in the Law, to all Intents and Purposes, without particularly stating or specifying the Name or Names of all or any of the said Justices.

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

LXVII. 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, Cloathing, or Materials of the said new Gaol, House of Correction, or Penitentiary House, which shall be provided for the Use of any of the Prisoners therein, or any Goods or Materials carried into or brought therein, and there wrought up or manufactured, or in order to be there wrought up, manufactured, or used by the said Prisoners or any of them, then the Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, at the Discretion of the Justices before whom such Offender shall be convicted.

Penalty on  
Persons buy-  
ing or secret-  
ing any of  
the Furni-  
ture, &c. be-  
longing to  
new Gaol,  
&c.

LXVIII. And be it further enacted, That when and so soon as the Trusts, Powers, Intents, and Purposes of this Act, so far as relates to

When the  
Powers and  
Trusts given  
the

to Commis-  
sioners shall  
be fully  
executed  
then their  
Authority,  
&c. to cease;

the removing the old Gaol or House of Correction, and purchasing Land for erecting the said new Gaol, House of Correction, and Penitentiary House, for the said Borough and Parish of *Tewkesbury*, and the erecting and Completion thereof, and the raising Money by Mortgages as aforesaid, and paying off and discharging the said Mortgages which may be granted under the Authority or in pursuance of this Act, shall be fully completed, executed, fulfilled, and discharged, then and from thenceforth all and every the Trusts, Powers, Offices, and Authorities herein-before by this Act given to and vested in the said Commissioners shall absolutely cease and determine; and then and from thenceforth also the Justices of the Peace for the said Borough of *Tewkesbury* for the Time being, and their Successors, shall be fully and absolutely invested with all the Trusts, Powers, and Authorities herein-before given to any Person or Persons whomsoever, for the keeping in Repair, maintaining, and supporting the said Common Gaol, House of Correction, and Penitentiary House, and the other Buildings under this Act authorized and directed to be built and erected, and for making Rates for the Reparation and Support of the same, and for the Maintenance, Support, and Employment of the Prisoners confined therein, and for the Salaries of and Payments herein-before mentioned, and for all and every other the Purposes of this Act: Provided always, that the Rate or Rates which shall be necessary to be made and collected for the Purposes aforesaid, shall for ever hereafter be collected and received in the same Manner, and by the same Persons who are herein-before appointed and directed to collect and receive the same; but instead of being paid over to the Treasurer or Treasurers of the said Commissioners as aforesaid, shall be paid to and received by the Chamberlain of the said Borough of *Tewkesbury* for the Time being, who is hereby from thenceforth appointed the Treasurer; and if, on the Determination of the Trusts and Powers of the said Commissioners, any Monies shall remain in the Hands of their Treasurer or Treasurers, he and they is and are hereby required to pay the same over to the said Chamberlain, to be applied by him towards the further Execution and Purposes of this Act; and such Chamberlain shall keep a Book or Books of Account, for entering all Sum and Sums of Money by him received and paid for or on account of the Purposes of this Act; and such Book or Books of Account shall, once at least in every Year, be examined and inspected by Two Justices of the Peace for the said Borough, and when so examined and inspected, if they are found and proved to be correct, shall be allowed and signed by such Justices; and until they are so allowed, no Charge or Item therein contained shall be binding.

Chamberlain  
to be Trea-  
surer and to  
keep Ac-  
counts.

Inhabitants  
competent  
Witnesses in  
all Actions,  
&c.

LXIX. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, or of any Rule, Order, Regulation, or Bye Law made in pursuance thereof, no Inhabitant of the said Borough or Parish shall be an incompetent Witness by reason of his or her being such Inhabitant.

Penalties  
may be miti-  
gated.

LXX. 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 Bye Law or Bye Laws to be made by virtue or in pursuance of this Act (where no other Manner of mitigating such Penalties is or shall be allowed or directed) to mitigate or lessen any of such Penalties, as they in their Discretion shall think fit.

LXXI. And

LXXI. And be it further enacted, That all Costs, Charges, and Expences allowed, ordered, or directed to be paid, and which shall or may be allowed, ordered, or directed to be paid by or by Authority of this Act, or any Rules, Orders, or Bye Laws to be made in pursuance thereof (where the Manner of ascertaining or settling the same is not hereby directed) shall from Time to Time, as Occasion shall require, be ascertained and settled by any Two of His Majesty's Justices of the Peace for the said Borough, who are hereby authorized and required to ascertain and settle the same accordingly, and (where the Manner of recovering the same is not particularly or otherwise directed by this Act) shall and may be levied and recovered by Warrant under the Hands and Seals of any Two such Justices of the Peace, by Distress of the Goods and Chattels of the Persons liable to the Payment thereof, and by Sale of such Goods and Chattels, in case the same be not redeemed within Seven Days after the Distress taken, rendering the Overplus (if any) upon Demand, to the Party or Parties whose Goods and Chattels shall have been so distrained and sold; and in case sufficient Distress shall not be found, and such Costs, Charges, and Expences shall not be paid, it shall and may be lawful for such Justices, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction of and for the said Borough, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, nor less than One Calendar Month, unless such Costs, Charges, and Expences shall be sooner paid.

For ascertaining and recovering Costs.

LXXII. And for the more easy Conviction of Offenders, be it further enacted, That the Justices of the Peace before whom every Person or Persons shall be convicted of any Offence against any Part of this Act, or any Rule, Order, or Bye Law 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*),

‘ Borough of } BE it remembered, That on the \_\_\_\_\_ Day  
 ‘ Tewkesbury. } of \_\_\_\_\_ in the \_\_\_\_\_ Year of the  
 ‘ Reign of His Majesty King \_\_\_\_\_ A. B. is [*or are*] now con-  
 ‘ victed before us, \_\_\_\_\_ of His Majesty's Justices of the Peace for the  
 ‘ said Borough, by virtue of an Act of Parliament passed in the Fifty-third  
 ‘ Year of the Reign of His Majesty King George the Third, intituled  
 ‘ [*here insert the Title of this Act*] of [*specifying the Offence, and the Time*  
 ‘ and Place where the same was committed, as the Case shall be] contrary to  
 ‘ the said Act [*or, as the Case may be*] contrary to a certain Bye Law  
 ‘ made on the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hun-  
 ‘ dred and \_\_\_\_\_ 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.’

Form of Conviction.

LXXIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Conviction in pursuance of this Act, or of any Rule, Order, or Bye Law to be made by virtue thereof, or for which no other Method of Relief is hereby or by any Act or Acts hereby referred to, or otherwise appointed or directed, such Person or Persons shall and may appeal to the Justices of the Peace for the said County of Gloucester, at their next General Quarter Sessions to be holden in and for the said County after the Cause of Complaint shall have

Appeal.

arisen; but if such Quarter Sessions shall happen to be held within Ten Days next after such Cause of Complaint shall arise, then such Person or Persons shall and may appeal to the said Justices at their Quarter Sessions then next following, such Appellant first giving or causing to be given Ten Days Notice at the least in Writing of his or her Intention to bring such Appeal, and within Five Days after such Notice enter into a Recognizance, before some Justice of the Peace for the said County of *Gloucester*, with Two sufficient Sureties, in such reasonable Sum as such Justice shall direct, conditioned to try such Appeal and to abide such Order as shall be made, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, or at some Adjournment thereof, shall and may summon the Witnesses, both on the Part of the Appellant and Respondent, to come before them; and upon due Proof of Notice having been given, and of entering into Recognizance in Manner herein-before mentioned, shall hear and finally determine the Causes and Sources of such Appeal in a summary Way, and shall award such Restitution, Damages, and Costs to the Party or Parties appealing or appealed against, not exceeding the Amount of the Penalty, Charges, and Expences which shall have been actually recovered and received by any Person or Persons in pursuance of this Act, or of any such Rule, Order, or Bye Law, together with the reasonable Costs, Charges, and Expences of prosecuting and defending such Appeal, as the said Justices shall think proper; and the Determination of such Justices at such Sessions shall be final, binding, and conclusive.

Proceedings  
not to be  
quashed for  
Want of  
Form.

LXXIV. And be it further enacted, That no Order made touching or concerning any of the Matters in the Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where 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, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall any such Party or Parties 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, 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 hath been made by or on Behalf of the Party distraining, before such Action brought.

Parties pro-  
secuted may  
plead the  
General  
Issue.

LXXV. And be it further enacted, That if any Suit or Suits, Action or Actions, shall be prosecuted against any Person or Persons for any Thing done in pursuance of this Act, such Person or Persons may plead the General Issue, and give this Act or 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 nonsuit, or discontinue his, her, or their Action or Actions after Issue joined, or if on Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the

the same as any Defendants have by Law in other Cases; and though a Verdict shall be given for any Plaintiff in any such Action or Suit as aforesaid, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be, shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

LXXVI. And be it further enacted, That no Actions, Suits, or Prosecutions shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Ten Days Notice thereof, and of the Cause thereof shall be given to such Person or Persons respectively, by the Person or Persons bringing the same; and such Actions, Suits, and Prosecutions shall be laid and tried in the County or Place where the Facts were committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise.

Limitation of Actions.

LXXVII. And be it further enacted, That if any Action or Actions shall be brought, by Order of the said Commissioners, against any Person or Persons for any Thing relating to this Act or the Powers therein contained, and a Verdict shall be had and given against the Person or Persons against whom such Action or Actions shall be brought, such Person or Persons shall pay Treble Costs; and the Plaintiff or Plaintiffs in such Action or Actions shall have such Remedy and Remedies for recovering the same, as any Plaintiff or Plaintiffs may have for his, her, or their Costs, in any other Case by Law.

In Cases of Verdicts given in favour of Commissioners, Persons convicted to pay Treble Costs.

LXXVIII. And be it further enacted, That the respective Penalties and Forfeitures imposed by this Act, or by any Act or Acts hereby referred to, and which shall be imposed by any Rule, Order, or Bye Law to be made in pursuance of this Act, (where the Application of such Penalties or Forfeitures is not hereby otherwise directed) shall, when recovered, be paid to the Treasurer or Treasurers to be appointed under this Act for the Time being, and be applied wholly to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Application of Penalties.

LXXIX. And be it further enacted, That the said Commissioners shall and they are hereby required Once in every Year, during their Continuance in Execution of the Powers and Authorities of this Act, to make a true and just Statement or Account of all Sums of Money by them received and expended; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two of the Justices of the Peace for the said Borough, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book or Books of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in the Law, unless the same shall have been duly allowed by such Justices.

Commissioners to account.

LXXX. And be it further enacted, That in each and every Year after the passing of this Act, the said Commissioners shall and they are hereby required, until the Powers and Authorities hereby given to and vested in them shall be fully executed, and after the Execution of the Powers and Authorities so given to and vested in the said Commissioners, then the Chamberlain of the said Borough for the Time being shall, and he is hereby required within the Space of Thirty Days next after their or his Accounts shall be respectively examined, allowed and signed, as herein-before directed,

Accounts to be printed.

directed, to cause to be printed and distributed within the said Borough and Parish of *Tewkesbury*, a true and just Copy of such respective Statement or Account so to be examined, allowed and signed, for the Perusal, Inspection and Satisfaction of all Persons interested therein, or paying to the Rates or Assessments to be raised by virtue of this Act.

Public Act.

LXXXI. 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.

### The SCHEDULE to which this ACT refers.

Form of Mortgage of the Rates; &c. to be raised by this Act for securing Money borrowed.

**WE** of the Committee for executing certain Powers in an Act of Parliament passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled "An Act for erecting a new Gaol, House of Correction, and Penitentiary House, in the Borough of *Tewkesbury*, in the County of *Gloucester*," being assembled at a Meeting, of which \_\_\_\_\_ is Chairman, held under the said Act, at \_\_\_\_\_ in the Borough of *Tewkesbury*, on \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ do hereby mortgage and charge all the Rates, Assessments, and other Monies to be raised within the said Borough and Parish of *Tewkesbury*, by virtue of the said Act, with the Payment of the Sum of One hundred Pounds, which \_\_\_\_\_ of \_\_\_\_\_ hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the Expence of building a new Gaol, House of Correction, and Penitentiary House, with other Buildings thereto, in the same Borough; and we do hereby confirm and establish the said Mortgage and Charge hereby made unto the said \_\_\_\_\_, Executors, Administrators and Assigns, for securing the Re-payment of the said Sum of One hundred Pounds and Interest for the same, after the Rate of \_\_\_\_\_ *per Centum per Annum*, and do order the Treasurer for the Time being, appointed under this Act, to pay the Interest of the said Sum of One hundred Pounds Half-yearly, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of this Act.

Witness,

[One Witness.]

Form of Assignment or Transfer.

**I** [*or, We*] do hereby assign and transfer the within written Security, and all my [*or, our*] Right, Title and Interest in and to the same, and all Benefit and Advantage arising therefrom, unto \_\_\_\_\_ of \_\_\_\_\_ Executors, Administrators and Assigns.

Witness my Hand [*or, our Hands*] this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

Witness,

[One Witness.]