



ANNO QUINQUAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. li.

An Act for building a new Gaol and House of Correction for the City and County of the City of *Exeter*. [8th May 1818.]

WHEREAS the present Gaol called *Southgate Prison*, in and for the City of *Exeter*, and County of the same City, situate in the Parish of *The Holy Trinity*, in the said City and County, is too small, and unfit for the proper Accommodation of the Prisoners usually confined therein, and is moreover extremely unwholesome, and inconveniently situated; and it would be of great public Utility if a new common Gaol and House of Correction, with all necessary Conveniences, were erected and built in some other Part of the said City and County of *Exeter*; and if Provision were made for the Separation, Employment, and Regulation of the Prisoners therein; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, Aldermen, and Sheriff of the said City for the Time being, together with *Charles Brake, Samuel Frederick Milford, Edmund Granger, Abraham Kennaway, Richard Tremlett, Samuel Kingdon, Francis Turner, George Hirtzell, and Henry Blackall*, being Persons nominated on Behalf of the Inhabitants of the said City, and their Successors to be appointed as hereinafter is mentioned, shall be and they are hereby constituted and appointed

Commissioners.

[Local.]

pointed

pointed Commissioners for building a new Gaol and House of Correction for the City and County of *Exeter*, and for executing the several Powers, Intents, and Purposes of this Act, with full Power and Authority for laying out, designing, making, building, and erecting a proper Gaol and House of Correction of and for the said City and County of *Exeter*, with proper and sufficient Yards, Courts, Out-offices, Conveniences, Passages, and Avenues for the same, and for making Trenches, Water-courses, and Sewers, and cleansing the same; and it shall and may be lawful to and for the said Commissioners and their Successors to lay out, design, assign, and appoint how and in what Manner the said Gaol, House of Correction, and the Yards, Courts, Out-offices, Conveniences, Passages, and Avenues of the same, shall be built, erected, and made, and with what Materials, and in what particular Site and Situation the same shall be built, and how and in what Manner the same shall be supplied with Water, and how the said Gaol, House of Correction, and the several Buildings, Courts, Yards, Out-offices, Conveniences, Passages, and Avenues of the same respectively, may and shall from Time to Time be preserved and kept in good Repair and Order, and to make Contracts and Agreements for and concerning the same, and to do all other Matters and Things requisite for carrying on and effecting the Purposes directed by this Act to be done, and for causing the same effectually to be perfected, as to them shall seem meet.

For electing
new Commis-
sioners.

II. And be it further enacted, That when and as often as any Commissioner appointed on Behalf of the Inhabitants of the said City shall die, or by Writing under his Hand, delivered to the Clerk or Clerks 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 this Act, for putting this Act into Execution, for the Space of One Year at any one Time, without a reasonable Cause, it shall and may be lawful for the surviving or continuing Commissioners, appointed on Behalf of the said Inhabitants, from Time to Time, by Writing under their Hands, to elect some other fit and proper Person to be a Commissioner in the Place of every Commissioner so dying, refusing or neglecting to act, as last mentioned; and every Person so elected in Manner before mentioned is and shall be 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.

Meetings of
Commission-
ers.

III. And be it further enacted, That the said Commissioners or any Five or more of them shall meet at the *Guildhall*, or some other convenient Place within the City and County of *Exeter* aforesaid, within Thirty Days next after the passing of this Act, between the Hours of Ten in the Forenoon, and Two 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 to meet again at the said *Guildhall*, or some other convenient Place within the said City and County of *Exeter*, for putting this Act into Execution, as they shall think proper, on any Day not exceeding Thirty 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

neglect or adjourn any 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 or Clerks to the said Commissioners shall adjourn the Meeting to such Time and Place within the said City and County of *Exeter*, as he or they shall think fit, not exceeding Fourteen Days from the Time of such last-mentioned Adjournment.

IV. And be it further enacted, That the said Commissioners shall and may appoint a Treasurer or Treasurers, Clerk or Clerks, and such other Officers for executing the Powers of this Act, as they the said Commissioners shall think necessary, and shall at their Pleasure remove any such 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 to pay such Salaries or Allowances as they shall think proper to their Officers and all others employed under their Authority.

Commissioners may appoint Treasurer, Clerks, &c.

V. And be it further enacted, That the said Commissioners or any Five or more of them are hereby authorized and required to take such Security from the Treasurer or Treasurers, and other Officers so to be appointed, for the due Execution of their respective Offices, as to the said Commissioners or any Five or more of them shall seem expedient.

Treasurers to give Security, &c.

VI. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Gaol and House of Correction, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners without Fee or Reward; and the said Commissioners shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the Clerk shall refuse to permit the said Commissioners to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered as herein-before mentioned.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Commissioners.

VII. 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 or Clerks for the Time being to be appointed under this Act, 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 or Clerks, nor any Proceedings thereon, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or by the Act of such Clerk or Clerks, without the Consent of the said Commissioners or any Five or more of them, but that the Clerk or Clerks for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case may be; and the Action or Suit shall and may be proceeded in by or in the Name of his or their Successor or Successors.

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

VIII. Pro-

Clerks
restrained
from acting
as Treasurer,
and vice
versa.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, 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 at Law, or more than one Imparance, shall be allowed.

Commissioners
empowered
to purchase
Lands.

IX. And be it further enacted, That it shall be lawful for the said Commissioners or any Five or more of them to contract for and purchase any Lands, Tenements, or Hereditaments in the said City and County, which may appear to them, or any Five or more of them, proper and convenient for the Uses and Purposes of this Act, the Owners or Proprietors whereof shall be willing or desirous to sell the same: Provided also, that the Quantity of Land or Ground so to be purchased, taken, or used for the Purposes of this Act, shall not in the whole exceed Two Acres; and such Piece or Parcel of Ground shall be conveyed to the Mayor, Bailiffs, and Commonalty of the said City of *Exeter* (in whom the present Gaol at the Time of passing this Act is vested), and their Successors, for the Uses and Purposes of this Act, or to such Person or Persons as the Mayor, Aldermen, and Common Council of the said City in Common Council assembled, or the major Part of them so assembled, shall nominate and appoint, in Trust for the Mayor, Bailiffs, and Commonalty, and their Successors, for the Uses and Purposes of this Act.

All Persons
enabled to
sell.

X. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Feoffees, Trustees and Committees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectation, after them, if incapacitated, and for and on behalf of their respective Wives, Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all 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 may be deemed convenient for the Purpose of this Act 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 said Mayor, Bailiffs, and Commonalty, their Successors and Assigns, or to such Person or Persons

as the said Mayor, Aldermen, and Common Council, in Common Council assembled, or the major Part of them so assembled, shall nominate and appoint, in Trust as aforesaid, for the Uses and Purposes, and according to the Intent and Meaning of this Act; and all such Contracts, Agreements, Sales, Abstracts of Title Deeds, Conveyances, and Assurances, shall be made at the Expence of the said Commissioners; 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, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Settlement, Limitation, or other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Person or Persons having a qualified or partial Estate or Interest, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for making the same, and for what they shall do in pursuance of this Act.

XI. 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 and House of Correction in and for the City and County of the City of Exeter*, together with the Name or Names of such Person or Persons as any Five or more of the said Commissioners shall by Writing signed by them direct or appoint, 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 standing settled therewith, to the same or the like Uses, Trusts, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said

Application
of Compen-
sation
Money if
amounting
to 200l.

[Local.]

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Accountant

Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less
than 200l.
and exceeding
20l.

XII. 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall be, 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 in the High 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 by the 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 High Court of Chancery.

Where less
than 20l.

XIII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as herein-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, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

Respecting
disputed
Titles.

XIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities,

Annuities, the Person or Persons who shall be in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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 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.

XV. Provided always, 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 any other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order reasonable Expences to be paid by Commissioners.

XVI. 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 and House of Correction, with sufficient Yards, Out-courts, Outlets, and Airing Grounds thereto, for the Confinement of Criminals, Debtors, and others, and also Infirmaries or Apartments for sick and infirm Prisoners, and proper Places for the Residence of the Gaoler or Gaolers or other Officers of such new Common Gaol and House of Correction, and also all such other proper and convenient Erections and Buildings as the said Commissioners or any Five or more of them shall judge necessary to answer the Purposes of this Act, according to the several Uses for which the same are hereby respectively appointed or intended, and also to cause the said new Gaol, House of Correction, and other Buildings as aforesaid, to be fitted up and furnished in a complete and effectual Manner for the Reception, Security and Health of such Prisoners, as to 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 Acts, Matters, and Things, as shall in their Discretion appear requisite in the Premises.

Commissioners to build new Gaol.

XVII. 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

Materials velted in the Commissioners made.

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, 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 or Clerks 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, or any Part thereof; and in every Action so to be brought, and in every Bill or Bills of Indictment so to be preferred, it shall be sufficient to state generally that any such Timber, Stone, Brick, and other Materials, to be the Property of the Clerk for the Time being to the said Commissioners.

New Gaol to
be the com-
mon Gaol.

XVIII. And be it further enacted, That when the said new Gaol and House of Correction shall be finished, the same shall be, and is hereby declared to be, the Common Gaol and House of Correction for the said City and County of the City of *Exeter*, and shall at all Times 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 Sheriff of the said City and County of the City of *Exeter* shall have the keeping of such new Gaol and House of Correction; and when the said Gaol and House of Correction 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 Sheriff, who shall with all convenient Speed remove all such Prisoners as shall be in Custody to such new Gaol and House of Correction, which Removal shall not be deemed, construed, or taken to be an Escape; and such new Gaol, when so erected and built, and the Site thereof, shall be deemed and taken to be within the Jurisdiction of the said City, for the Confinement of all such Prisoners, Debtors, and others, as have been usually committed and imprisoned in the present Gaol by virtue of any Writ or Process lawfully issuing out of any Court of Record within the said City.

Old Gaol to
be sold.

XIX. And whereas the present Common Gaol of *Southgate*, for the said City and County, situate in the Parish of the *Holy Trinity*, in the same City and County, is now vested in and is the Property of the said Mayor, Bailiffs, and Commonalty of the said City and County; and it is expedient, in order to carry into Execution the Purposes of this Act, that the said Gaol should be sold and disposed of, and the Monies arising by the Sale thereof applied to the Purposes of this Act; be it therefore further enacted, That after all the Persons in the Custody of the Sheriff of the said City and County of *Exeter* shall, as is herein-before directed, be removed to the said new Gaol, it shall and may be lawful for the said Commissioners or any Five or more of them and they are hereby required, to cause the said present Gaol for the said City and County of *Exeter*, with the Appurtenances, and the Materials and Site thereof, to be sold and disposed of to such Person or Persons as shall be willing or desirous to contract for or purchase the same, and either in One or more Lot or Lots, and in such Manner, as to the said Commissioners or any Five or more of them shall seem

seem proper; and a Conveyance or Assignment, or Conveyances or Assignments by the said Mayor, Bailiffs and Commonalty, under their Corporate Seal, shall be good, valid, and effectual in Law to convey or assign the said Premises, and the Fee Simple and Inheritance thereof, unto the respective Purchaser or Purchasers thereof, and which Conveyance or Assignment, or Conveyances or Assignments, the said Mayor, Bailiffs, and Commonalty are hereby empowered and required to make and execute, by affixing thereto (when required by the said Commissioners or any Five or more of them) the Corporate Seal of the said Mayor, Bailiffs, and Commonalty; and the Money arising thereby, after paying and discharging the necessary Costs, Charges and Expences attending and incidental to such Sale, shall be paid to the said Commissioners, or to the Treasurer for the Time being under this Act, in order to be applied in defraying the Expences incurred in erecting, furnishing, and completing the said new Gaol, House of Correction, and other Erections by this Act authorized to be built; but the Purchaser or respective Purchasers of the Premises, or any Part thereof, shall not be bound to see to the Application of the Purchase Money, nor be answerable for the Misapplication or Non-application thereof.

XX. And whereas the said Mayor, Bailiffs, and Commonalty, are willing to maintain, repair, and support the said new Gaol, House of Correction, and Buildings in Manner hereinafter provided; be it therefore enacted, That the Expences of repairing, maintaining, supporting and furnishing the said new Gaol, House of Correction, and other Erections and Buildings, after the same shall have been erected, built, and furnished as by this Act directed, and also the Expence of maintaining and supporting the Prisoners to be confined in the said new Gaol and House of Correction, as well as the Sum of Thirty-five Pounds, being the present annual Amount of Salaries now paid to the Keepers of the present Gaol and House of Correction, shall be borne and defrayed by the Mayor, Bailiffs, and Commonalty of the said City, by and out of the Estates, Funds, and Revenues belonging to the Mayor, Aldermen, and Common Council of the said City: Provided that nothing herein-before contained shall extend or be construed to operate or extend to oblige the said Mayor, Bailiffs, and Commonalty to rebuild or repair the said new Gaol, House of Correction, Erections or Buildings, or any Part thereof, in case the same shall be destroyed or injured by the King's Enemies, popular Comotions, Fire, Earthquake, Tempest, Inundation, or other similar inevitable Accident, or to enlarge the same Gaol, House of Correction, Erections, or Buildings, should the Jurisdiction of the said City at any Time hereafter be extended, or Circumstances arise to render such Enlargement necessary, or to pay any further or larger Sum towards the Salaries of the Keepers of the said Gaol and House of Correction than the aforesaid Sum of Thirty-five Pounds; but all such Salaries, if it shall be deemed advisable hereafter to increase the same, shall be paid out of the County Rates to be raised and levied within the said City and County.

Mayor, &c.
to maintain
the Prisoners.

XXI. And be it further enacted, That from and after the passing 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 raised for the Purposes of this Act on the said City and County of *Exeter*, for the Year then next following,

Power to
raise Money
by a Rate on
the City.

[Local.]

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and

and shall certify the same in Writing, by their Clerk for the Time being, to the Justices of the Peace for the said City and County of *Exeter*, at their General Quarter Sessions to be holden in and for the said City and County, Four Times in every Year; and the said Justices are hereby empowered and required thereupon to order and appoint such Sum or Sums of Money so certified to be raised by means of a County Rate or Rates to be appointed, assessed, and levied on the said City and County, in the same Way and Manner, and by the same Means as County Rates are by Law directed to be assessed and levied.

Limiting the Sum to be raised.

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

Rates may be mortgaged for the Monies borrowed.

XXIII. And whereas it may be necessary to borrow Monies upon the Credit of this Act for the more speedy and effectual carrying into Execution the Purposes thereof, be it therefore enacted, That it shall and may be lawful for the said Commissioners or any Five or more of them from Time to Time, and they are hereby empowered, to certify to the Mayor and Justices of the said City and County, at the General Quarter Sessions of the Peace to be held for the said City and County, 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 Five thousand Pounds; and the said Justices are hereby empowered and required to take up such Sum or Sums of Money as shall be certified as aforesaid, not exceeding in the whole the Sum of Five thousand Pounds, at legal or lower Interest, on the Credit of the County Rates, by Instruments in the Form contained in the Schedule hereto annexed; and all such Mortgages shall be clear of all Fees and Expences whatever from the Persons so respectively advancing such Money; and Copies of all and every such Mortgages shall be entered by the Clerk of the Peace for the said City and County in a Book by him to be kept for that Purpose; and all Persons to whom such Mortgages shall be given are hereby empowered, by Writing or Writings under his or their Hand or respective Hands, endorsed on the Back of such Mortgage, in the Form also contained in the Schedule to this Act annexed, 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 shall be entered by the Clerk of the Peace as aforesaid, for each of which Entries he shall receive the Sum of Ten Shillings and Sixpence, and no more, from the Person or Persons to whom
such

such Assignments shall be made; and all and every Person or Persons to whom such Mortgages or Securities, or Transfer 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 such Mortgage or Security.

XXIV. 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 and their Hands, out of the Monies arising by the said Rates, 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 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 by the said Treasurer, at such Place or Places within the said City and County of *Exeter* as they or any Five or more of them shall from Time to Time think proper; and which Treasurer or Treasurers for the Time being appointed under this Act is and are hereby required to pay the same accordingly without Fee or Reward; 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 adjust and settle all Books of Account relative to the Execution of this Act, in such Manner that it may be easily 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 then present, and shall be kept by the Clerk or Clerks 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 or Clerks One Shilling for each Time of Inspection, and Five Shillings more for every Hour during which such Inspection shall continue after the First Hour.

For the regular Discharge of Interest.

XXV. And be it further enacted, That the Monies to be raised by virtue of this Act shall from Time to Time be applied in Manner following; (that is to say), a sufficient Part thereof shall be in the first place 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 to be borrowed, and in paying for the Purchase of the said Lands, Tenements, and Hereditaments 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 other Buildings under 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 other Buildings as aforesaid, the Surplus shall be applied for the gradual Discharge of the principal Sums to be borrowed

Application of the Monies to be raised.

as

as aforesaid, and the Interest thereof, and to no other Use or Purpose whatsoever.

Not less than the Sum of 1000 l. to be paid in one Year.

XXVI. Provided always, and be it further enacted, That from and after the Completion and furnishing the said new Gaol, House of Correction, and other Buildings to be erected under this Act, there shall not in any one Year be less than One thousand 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 for the Time being, to be appointed by virtue of this Act, who shall cancel the same respectively; and such original Mortgages and Assignments so cancelled shall be good and sufficient Discharges to the said Treasurer, and on passing his Account shall be produced by him, and allowed as Vouchers for the several and respective Payments made by him or them in respect thereof.

When the Power and Trusts given to the Commissioners shall be fully executed, then their Authority, &c. to cease.

XXVII. And be it further enacted, That when and as soon as the Trusts, Powers, Intents, and Purposes of this Act, so far as relates to the removing the old Gaol, and purchasing the Land for erecting the new Gaol, House of Correction, and other Buildings to be erected under this Act, and the erecting and completing and furnishing the same, and the raising Money by Mortgage 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 the said new Gaol, House of Correction, and Appurtenances, and the Direction, Management, and Controul thereof shall from thenceforth be vested in the Mayor, Bailiffs, and Commonalty of the said City and County, under and subject to the Liabilities in this Act herein-before mentioned and declared.

Gaoler, Governor, and other Officers, to be appointed.

XXVIII. And be it further enacted, That the Mayor, Aldermen, and Common Council of the said City of *Exeter* for the Time being, shall appoint a Gaoler or Gaolers, Keeper or Keepers, Governor, and such other Officers as they shall think proper, for the said new Gaol and House of Correction, and shall from Time to Time have Power to remove such Gaolers, Keepers, Governor, and other Officers, or any of them, and to appoint others in their stead; and such Gaolers, Keepers, Governor, and other Officers, shall give such Security to the Sheriff of the said City and County of *Exeter* for the Performance of their respective Duties, as the said Sheriff may think reasonable and sufficient.

Furniture, &c. to be vested in the Mayor, &c.

XXIX. And be it further enacted, That the Property of all and every the Furniture, Utensils, Chattels, Provisions, Clothing, and Materials whatsoever, to be from Time to Time had, bought, procured, and provided, for the Use of the Prisoners in the said new Gaol, House of Correction, and other Buildings to be erected under this Act, and for carrying into Execution the several Purposes of this Act, shall be and the same are hereby vested, for the Uses and Purposes of this Act, in the said Mayor, Bailiffs, and Commonalty, and their Successors.

XXX. 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, or any Boundary or other Wall thereof, or any other Building to be erected pursuant to the Directions of this Act, or any Part or Parts thereof, every Person so offending shall be guilty of Felony, and being lawfully convicted thereof at any General Quarter Sessions of the Peace to be holden for the said City and County of the said City of *Exeter*, shall be subject and liable to the like 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 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.

Punishing
Persons da-
maging the
Buildings.

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

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

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

Public Act.

The SCHEDULE to which the foregoing Act refers.

FORMS of MORTGAGE and TRANSFER.

WE,
of His Majesty's Justices acting within and for the City and County of the City of *Exeter*, by virtue of the Powers contained in an Act of Parliament passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*] being assembled at a General Quarter Sessions of the Peace held within and for the said City and County the _____ Day of _____ One thousand eight hundred and _____, do hereby, in open Court, mortgage and charge all the Rates to be raised within the said City and County, under the Description of "County Rates," by the Laws now in being, with the Payment of the Sum of _____ Pounds, which _____ of _____ hath proposed and agreed to lend, and hath now actually advanced and paid into the Hands of the Treasurer appointed under and by virtue of the said Act, towards defraying the Expence of building a new Gaol and House of Correction, with other Buildings thereto, in the same City: 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 _____ 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 _____ Pounds, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of this Act.

Witness,
[*One Witness.*]

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 _____.

[*One Witness.*]

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1818.