ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XVI.

An Act for taking down the Shire Hall of the County of *Devon*, and for building a new Shire Hall in a more commodious Manner.

WHEREAS the Shire Hall of the County of Devon, situate in the Castle of Rougemont, commonly called The Castle of Exeter, where the Assizes, Sessions of the Peace, County Courts, and Meetings for the Administration of Justice, and for other publick Services of the said County, are holden, is in a ruinous Condition, and very incommodious: And whereas it is necessary that the said Shire Hall, and the Buildings thereunto belonging, should be taken down, and new ones erected, for the Purposes Preamble.

Purposes aforesaid: And whereas no Provision is made by the Laws in being to authorise the raising of Money for defraying the Expence of taking down and rebuilding the said Hall; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and immediately after the passing of this Act, the several Persons named in the present, or to be named in any future Commission of the Peace for the said County, although they shall not have sued out a Dedimus by virtue of such Commission, together with the several Trustees hereinafter named, and to be appointed, by virtue of this Act, shall be, and they are hereby constituted Commissioners for carrying this Act into Execution: And they, or any Seven or more of them, are hereby authorised and impowered, to cause the said present Shire Hall, and Buildings thereunto belonging, to be taken down, and to contract and agree with any Person or Persons for the taking down the same; and to sell and dispose of such Part of the Materials as shall not be made use of for the Purpose of building the new Shire Hall to such Person or Persons as shall be willing to purchase the same; and also to cause a new Shire Hall, with proper and necessary Apartments therein, to be erected and built upon or near to the Ground where the present Shire Hall doth stand, for the Use of the said County; and also to erect and build temporary Courts near to the present Shire Hall, for the holding of the said Assizes, Sessions, and County Courts, and publick Meetings of the said County, during the Time in which the said new-intended Shire Hall shall be building; and to contract and agree with any Person or Persons for the building, compleating, finishing, and fitting up such new Shire Hall, and temporary Courts, in such Manner as the Commissioners, or any Seven or more of them, shall think proper.

Shire Hall, vested in Commissioners,

to be taken down;

and a new one to be built.

And

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall meet at the said Castle of Exeter, on Tuesday the Twentieth Day of April next, and proceed to carry into Execution this Act; and shall then, and from Time to Time afterwards, as they shall think proper, chuse a Clerk; and, if they see Occasion, may afterwards remove him, and chuse another in his Room; and make him a proper Allowance for his Trouble and Attendance on them; and may adjourn themselves to, and meet in the said Castle, or at such Place or Places in the said City of Exeter, when and as often as they shall think proper: And in Case a sufficient Number of Commissioners shall not be present at any such Meeting, to act and to adjourn to another Day; then, and so often as the Case shall happen, such Meeting shall stand over, and be held at the same Place, on the same Day in every succeeding Week, until another Day shall be appointed by the said Commissioners, or any Seven or more of them; and no Order shall be made, or Business transacted, by the said Commissioners, relative to the Execution of this Act, otherwise than at such Meetings as aforesaid. Manner of holding Meetings.

And be it further enacted, that the said new-intended Shire Hall shall be built, compleated, fitted up, and finished, for the convenient carrying on and transacting the publick Business of the said County of Devon, in such Manner as the said Commissioners, or any Seven or more of them, shall, from Time to Time, direct or appoint: And the Expences to be incurred in and upon Account of taking down the present Shire Hall and Buildings, as aforesaid, and erecting a new Shire Hall, and temporary Courts, until such intended Hall shall be finished, shall be defrayed and discharged by and under the Direction and Appointment of the said Commissioners, or any Seven or more of them, in the Manner herein directed, and out of the Monies which shall be raised or received by virtue of this Act. Expences of Building to be defrayed by the Commissioners.

And, for raising Money for the Purposes aforesaid, be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, from Time Money to be raised by Commissioners,

to Time, as often as they shall think proper, certify in Writing under their Hands, to the Justices of the Peace of the said County of Devon, assembled at their General Quarter Sessions of the Peace for such County, or at any Adjournment thereof, the Sum or Sums of Money which shall, from Time to Time, be necessary to be raised, for defraying the Expence of taking down the present Shire Hall and Buildings, as aforesaid; and of building, compleating, fitting up, and finishing the said new Shire Hall, and the said temporary Courts, and other Buildings, and executing the other Purposes of this Act: And the said Justices so assembled, when any such Certificate shall be produced, shall immediately rate and assess on the said County the Sum and Sums mentioned in every such Certificate: And such Sum and Sums shall be collected, recovered, levied, paid, and be accounted for, by the Persons making such Collections, in such Manner, and by such Means, and with such Powers of Distress for enforcing the Collection and Payment thereof, and for punishing all Persons whose Duty it shall be to collect and account for the same, and shall make Default therein, as the County Rates have been usually, or may be, by an Act made in the Twelfth Year of his late Majesty's Reign, intituled, An Act for the more easy assessing, collecting, and levying of County rates, or by any other Act or Acts of Parliament, assessed, collected, recovered, levied, paid, and accounted for, within the said County; and shall order and direct the Treasurer of the said County to pay, out of the County Money, then or thenafter to be in his Hands, the Sum and Sums mentioned in every such Certificate, to the Commissioners appointed by this Act, or any Seven or more of them, or to such Person or Persons as they shall appoint, by Writing under their Hands, to receive the same; and the Receipt of the said Commissioners, or any Seven or more of them, or of such Person or Persons who shall be so appointed, shall be a full and sufficient Discharge to the said Treasurer for the Payment of such Monies,

by Assessment on the County.

Provided

Provided always, That nothing herein contained shall extend to impower the Commissioners, or any of them, to lay out and expend, for the Purposes aforesaid, any further or larger Sum than Four thousand Pounds, including the Produce arising from the Sale of the Sum of One thousand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, now vested in the Publick Funds, as herein-after mentioned, but exclusive of the Costs and Expences attending the obtaining and passing this Act, and the building of temporary Courts, as aforesaid; which shall be defrayed by and out of the Monies to be raised by the general Rates and Assessments in the said County; and also of the Monies to be received by Sale of the Materials of the present Shire Hall, and other Buildings within the said Castle, herein-before directed to be taken down; all which Monies shall be applied to and for the Purpose of this Act, and to no other Use or Purpose whatsoever. Not more than 4000 *l.* to be raised.

And be it further enacted, That when the said new Shire Hall shall be built, fitted up, and finished, the same shall be for ever after repaired, supported, maintained, and provided with proper Accommodations and Furniture, as Occasion shall require, at the Expence and Charge of the said County of Devon, in the same Manner as any other publick Works or Buildings of the said County ought to be repaired, supported, or maintained: And that it shall and may be lawful for the said Justices of the Peace, assembled at their General Quarter-sessions of the Peace, from Time to Time, to order the said Shire Hall to be repaired, supported, maintained, and provided with proper Accommodations and Furniture, in such Manner as they shall think fit; and to order the Expence and Charge thereof to be, from Time to Time, paid and defrayed by and out of the Monies to be raised by the General Rates and Assessments made, and to be made, assessed, and levied, in the said County: And the said new Shire Hall, with the Apartments, and every Thing thereto the Shire Hall to be supported at the Expence of the County.

thereto belonging, when the same shall be built and furnished, shall thenceforth be under the Direction and Care of the Justices of the Peace of the said County of Devon, for the Services of the said County.

Proceedings to be entered in Books.

And be it further enacted by the Authority aforesaid, That all Proceedings of the said Commissioners, and all Contracts and Agreements made and entered into by the said Commissioners by virtue of this Act, shall be entered by their Clerk, in a Book or Books to be provided for that Purpose.

All Accounts to be deposited with the Clerk of the Peace.

And be it further enacted, That when the said new Shire Hall shall be built, finished, fitted up, and furnished, and all Monies due upon Account thereof shall be fully paid and satisfied, and all Matters and Things by this Act directed and authorised to be done and performed by the said Commissioners shall be compleated, the said Commissioners shall cause all Books, Papers, Accounts, and other Writings, Plans, and other Drawings, relating to the Execution of this Act, to be deposited with the Clerk of the Peace for the County of Devon, to be kept among the Records of such County.

£231 l. 13 s. 2 d. vested in Trustees for the Use of the said County.

And whereas the Sum of One thousand two hundred and thirty-one Pounds, Thirteen Shillings, and Two-pence, is now standing in the publick Funds, in the Name of Sir Richard Warwick Bampfylde, Baronet, One of His Majesty's Justices of the Peace for the said County, as surviving Trustee, in his Name, and in the Names of Francis Drewe, William Peere Williams, Richard Beavis, William Clifford Martyn, and William Neyle, Esquires, deceased; and the Interest and Dividends thereof have, from Time to Time, been paid and applied to the Uses and Purposes of the said County, and in the same Manner as the said County Rates or Stock have been used and employed; but no Trust having been declared concerning the said capital Sum of One thousand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, the said Sir Richard Warwicke Bampfylde, the said surviving Trustee,

ſtee, has no Authority to transfer and apply the ſame to the Purpoſes of this Act, without the Aid of Parliament; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Sir Richard Warwicke Bampfylde, the ſaid ſurviving Truſtee before mentioned, his Executors and Adminiſtrators, and he and they are hereby fully authoriſed and impowered to ſell and transfer the ſaid Sum of One thouſand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, and receive and give Receipt or Receipts for the Monies ariſing by the Produce thereof, and pay the ſame into the Hands of the Treaſurer of the ſaid County for the Time being, ſubject to the Order and Directions of the Juſtices of the Peace of the ſaid County, to be by them, from Time to Time, applied and made uſe of towards the Purpoſes aforeſaid; and that the Receipt of the ſaid Treaſurer for the Time being for the ſaid Monies, ſhall be a ſufficient Diſcharge and Indemnification to the ſaid Sir Richard Warwicke Bampfylde for the Produce of the ſaid Sum of One thouſand two hundred and thirty-one Pounds, Thirteen Shillings and Two-pence, and the Intereſts and Dividends thereof.

may be applied for the Purpoſes of this Act.

And whereas the Place wherein the preſent Shire Hall is ſituated is very proper and commodious for building a new Shire Hall, being within the Walls of the ſaid Caſtle: And whereas by an Act, paſſed in the Ninth Year of the Reign of Her late Majeſty Queen Anne, intituled, An Act to enable Her Majeſty to grant the ſaid Scite of the Caſtle of *Exon* (Parcel of Her Duchy of *Cornwall*) for Ninety-nine Years, for the Uſe and Benefit of the County of *Devon*, Her late Majeſty was impowered to grant unto ſeveral Perſons, appointed by Order of the Quarter-ſeſſions of the Peace for the ſaid County, and to their Executors, Adminiſtrators, and Aſſigns, all that the ſaid Scite of the Caſtle of Exon, Part of the Duchy of Cornwall, with the Lands and Buildings within the Walls of the ſaid Caſtle, and all Privileges and Appurtenances thereunto belonging, for and during the Term

The Scite of the Building veſted in His Majeſty,

granted by Act 9 *Anne*, to ſeveral Perſons in Truſt,

of Ninety-nine Years, fully to be complete and ended, in Trust to and for the several publick Uses and Purposes in the said Act mentioned; (that is to say,) To be used for Courts for holding the Assizes, Sessions of the Peace, County Courts, and Meetings, for the Administration of Justice, and for other publick Uses and Services of the said County; which Grant was made accordingly by His late Majesty King George the First by Letters Patent, dated the Twenty-third Day of December, in the Second Year of His Reign, to certain of His Majesty's Justices of the Peace of and for the said County therein mentioned, to hold to them, their Executors, Administrators, and Assigns, for and during the Term of Ninety-nine Years, to commence from the Date of the said Letters Patent as aforesaid, in Trust, for the publick Use and Benefit of the said County; the Residue of which said Term is not adequate to the great Expence of erecting the said Shire Hall and other Buildings: And whereas the said Castle of Exeter, and the Premises so granted, as aforesaid, having been for many Ages past of little or no Advantage to the Crown, it would be of great Utility to the County of Devon, if, instead of the said Term of Ninety-nine Years, the Fee-simple and Inheritance thereof was to be vested in Trustees, in Trust, and for the Use of the said County, to be used and disposed of in Manner and for the Purposes herein mentioned; and that the said Term of Ninety-nine Years, so granted as aforesaid, and the Uses, Trusts, and Purposes declared thereof as aforesaid, should cease, determine, and become extinguished in the Inheritance of the same Premises; be it therefore enacted by the Authority aforesaid, That all that manerial Scite or Mansion-house, called or known by the Name of the Castle of Exeter, situate within the Walls of the said City of Exeter, in the County aforesaid, Parcel of the said Duchy of Cornwall aforesaid, with the Lands, Houses, and Buildings, within the Walls of the said Castle, and all Privileges and Appurtenances thereunto belonging, as comprised in the said recited Letters Patent, shall, from and after the

and by 2 *Geo.* I.

The Castle vested in Trustees,

the passing of this Act, be vested in, and the same are hereby, from thenceforth, vested in the Right Honourable Wilmot Lord Viscount Lisburne in the Kingdom of Ireland, Sir Thomas Dyke Acland Baronet, Sir John Chichester Baronet, Sir John Wilmot Prideaux Baronet, Sir Richard Warwicke Bampfylde Baronet, Sir John Davie Baronet, Sir John Molesworth Baronet, Sir George Yonge Baronet, Richard Hippisley Coxe, John Walter, John Buller, Charles Warwicke Bampfylde, John Arscott, Robert Palk, John Dyke Acland, John Parker, Frederick Rogers, John Roll, Francis Rose Drewe, John Chichester, and John Duntze, Esquires, and their Heirs, to the Use of them and their Heirs, freed and discharged from the Term of Ninety-nine Years before granted, and the Uses, Trusts, and Purposes declared thereof as aforesaid: But nevertheless upon the Trusts, and to and for the several Uses, Ends, Intents, and Purposes herein-before mentioned and declared, and for such other publick Uses and Purposes as the Justices of the Peace of the said County of Devon for the Time being, or the major Part of them at the General Quarter Sessions of the Peace, shall, from Time to Time direct, order, and appoint,

in Trust, for the Purposes of the Act.

And it is hereby further enacted and declared, That from and immediately after the passing of this Act, the said Term of Ninety-nine Years so limited as aforesaid shall cease and become extinguished in the Freehold and Inheritance of the Premises, out of which the same was granted, and so vested in the several Trustees before named, for the several Purposes before mentioned.

From the passing hereof, the said Term shall cease:

Provided always, That the said Scite or Castle of Exeter, with the Lands, Houses, and Buildings, within the said Castle, and their Appurtenances, so vested in the said last-mentioned Trustees, is and shall be upon this express Condition, nevertheless that they the said last-mentioned Trustees, or the Justices of the Peace for the Time being of and for the said County of Devon, do pay, or cause to be paid, yearly, and every Year, unto His said Majesty, His Heirs or Assigns, or unto His Royal Highness the Prince of Wales, His Heirs and Successors for the

Proviso and Condition, that the Trustees pay the yearly Rent of 10 Pounds.

the Time being, or to him, her, or them who shall have the Inheritance, or other Estate of the said Duchy of Cornwall, the ancient yearly Rent of Ten Pounds, the same to be paid at Michaelmas in every Year; and in case the said Rate or annual Payment of Ten Pounds, or any Part thereof shall be behind and unpaid for the Space of Forty Days next after the same shall become due as aforesaid, having been lawfully demanded; then, and in such Case, the said Premises, and every Part thereof, shall revert to and be revested in His said Majesty, His Heirs and Successors, or in him, her, or them, who shall have the Inheritance, or other Estate of the said Duchy; any Thing herein before contained to the Contrary thereof in any-wise notwithstanding.

General Saving.

Saving to all and every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, Executors, Administrators, and Assigns, (other than and except to our Soveregn Lord the King, and His Heirs and Successors, and the Duke and Dukes of Cornwall for the Time being, and his and their Heirs and Successors, and all and every Person and Persons that shall hereafter have, inherit, or enjoy, the said Dukedom of Cornwall, by force of any Act of Parliament, or other Limitation whatsoever,) all such Rights, Titles, Estates, Customs, Interests, Tenures, Claims and Demands whatsoever, of what Nature, Kind, or Quality soever, of, in, to, or out of the Scite of the said Castle of Exeter, and the Land and Buildings within the Walls of the said Castle, and the Privileges and Appurtenances thereunto belonging, to all Intents and Purposes whatsoever, as if this Act had never been made.

The Act not to prevent guarding or fortifying the Castle.

Provided always, That if in any future Time it shall be found necessary and convenient for the publick Services of this Kingdom, that the Castle aforesaid should be fortified and guarded by a Military Force, and that a Guard should be placed therein, it shall and may be lawful for his present Majesty, His Heirs and Successors, to do every Thing which shall be necessary to be done for these Purposes in as ample a Manner as if this Act had not been passed; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

And

And it is further enacted by the Authority aforesaid, That when the Number of the said Trustees, in whom the said Castle and Premises aforesaid is so vested as aforesaid, shall, by Death, or otherwise, be reduced to Seven, or a less Number; then, and in such Case, the surviving Trustees, or the Heirs or Heir of the Survivor, shall forthwith grant and convey, by Lease and Release, or by Bargain and Sale, to be inrolled at the Quarter-sessions of the Peace, to be holden in and for the said County of Devon, with the Clerk of the Peace there, all and singular the Castle and Premises, as aforesaid, to Twenty-one other Persons at the least, who shall be in the Commission of the Peace for the said County, their Heirs and Assigns, for ever, for the Uses, Ends, Intents, and upon the several Trusts and Conditions aforesaid. When the Trustees shall be reduced to less than Seven, others to be appointed.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously pull down or destroy the said Shire Hall, or other Buildings within the said Castle, so to be erected, or any Part thereof, such Person or Persons, being lawfully convicted thereof, shall be adjudged guilty of Felony; and the Court before whom such Person or Persons shall be tried shall have full Power and Authority, either to order the Person or Persons so offending to be transported for Seven Years, to such Place, and in such Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, or to suffer such corporal Punishment by Whipping or Imprisonment, as to the Court before whom such Person or Persons shall be tried shall seem meet. Persons damaging the Buildings how to be punished.

And be it further enacted, That if any Action or Suit shall be commenced or prosecuted by or against any of the Commissioners aforesaid, or by or against any Person or Persons acting by or under their Orders and Authority, as aforesaid, for any Thing done in pursuance of this Act, such Action or Suit shall be brought and commenced within Six Calendar Months after the Fact committed, and not afterwards: And every such Action or Suit shall be laid and brought in the County of Devon, and not elsewhere; Limitation of Actions.

elsewhere; and the Damages, Costs, Charges, and Expences incurred, or to be incurred, by Means of such Prosecution, Action, or Suit, shall be paid and borne out of the County Stock, or Rates belonging to the said County, by the Justices of the Peace of the said County, and shall be by them raised, reimbursed, and paid to such Commissioner or Commissioners, Person or Persons, as aforesaid, by the Treasurer of the said County, as other County Expences are raised and paid by Order of the said Justices, and out of the Publick Money belonging to the said County of Devon; and the Defendant or Defendants in such Action or Suit shall or may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon: And if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue such Action or Suit; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering such Costs as any other Defendant or Defendants hath or have for Costs in any other Case by Law.

General Issue.

Treble Costs.

Publick Act. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act; and all Judges, Justices, and other Persons, shall take Notice thereof as such, without specially pleading the same. 8

FINIS.