Anno octavo

# Georgii III. Regis.

An Act for rebuilding and enlarging the Common Gaol of the City and County of the City of *Coventry*; and for appointing a Place for the Custody of Prisoners in the mean Time.



WHEREAS the Common Gaol of the City and County of the City of Coventry, being a very ancient Building, and greatly gone to Decay, is so incapable of being repaired, that it is necessary to rebuild the same: And whereas the said Gaol is also too small, and it will therefore be proper to purchase a Tenement now adjoining thereto, in order to build a new Gaol upon a larger Plan, and to provide a Place of Residence for the Gaoler or Keeper, with proper Courts and Conveniencies: And whereas Part of the present Gaol is the Property of the Corporation of the said City and County, but it is expedient that the same should be purchased by the said City and County for the Purpose of rebuilding the said Gaol; May it therefore please Your most Excellent 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 Preamble.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Justices of the Peace for the said City and County of the City of Coventry, at their next General or Quarter Sessions of the Peace, to be holden for the said City and County of the same, after the Twenty fifth Day of March, One thousand seven hundred and sixty eight, or at any other subsequent General or Quarter Sessions, or the major Part of them who shall be assembled at any such Session, to purchase of the said Corporation of the said City and County of the City of Coventry, so much of the present Common Gaol of the said City and County as is the Property of the said Corporation; and also to purchase a certain Tenement, and the Ground whereon the same stands or belonging thereto, situated within the said City and County, and adjoining to the said Gaol, and late in the Possession of John Jones, and now void and unoccupied; and that it shall be lawful for the said Corporation, and also for all Persons whatsoever, seized of, or interested in, or intitled unto, the said Tenement and Ground, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seized or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in, the said Part of the said Gaol, and in the said Tenement and Ground under any Manner of Right or Title whatsoever, to convey the same respectively unto them the said Justices for the Purposes aforesaid; and the said Justices shall cause the Value of the said Estates to be enquired into, and ascertained by, a Jury of Twelve indifferent Men of the City and County of the City of Coventry; and in order thereto, the said Justices, or the major Part of them so assembled, are hereby impowered and required, from time to time, as Occasion shall be, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of such Justices are hereby impowered to administer) and such Justices shall, by ordering a View, or otherwise,

Justices impowered to purchase the Corporations Estate in the Gaol;

and the Tenement adjoining.

Incapacitated Persons enabled to treat.

uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſſes, and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Value and Recompence, they the ſaid Juſtices ſhall thereupon adjudge the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Corporation, and other Perſons, according to the Verdict of ſuch Jury, which ſaid Verdict ſhall be final, binding, and concluſive, to all Intents and Purpoſes againſt the ſaid Corporation, and all Parties and Perſons whomſoever; and for ſummoning and returning ſuch Juries, the ſaid Juſtices are hereby impowered to iſſue their Warrant or Warrants to the Sheriffs of the City and County of the City of Coventry, commanding them to impanel, ſummon, and return, an indifferent Jury of Twenty four ſubſtantial Freeholders and Houſeholders within the ſaid City and County, but not being in the Commiſſion of the Peace, nor Members of the ſaid Corporation, to appear before the ſaid Juſtices at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriffs, or their Deputy or Deputies, is and are 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 Juſtices ſhall, and they are hereby impowered 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, the ſaid Sheriffs, or their Deuty or Deputies, ſhall return other honeſt and indifferent Men, not being in the Commiſſion of the Peace or Members of the ſaid Corporation, either of the Standers-by, or that ſpeedily can be procured to attend that Service, to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Juſtices ſhall have Power from time to time to impoſe any reaſonable Fine or Fines on ſuch Sheriffs, their Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or that ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being requir-

Verdict of the Jury to be final.

Sheriffs to ſummon a Jury.

Jurors may be challenged.

ed to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or to give Evidence; and which Fine or Fines shall not exceed the Sum of Five Pounds upon any One Person, and shall be recovered by Distress and Sale of the Offenders Goods and Chattles, by a Warrant or Warrants under the Hands and Seals of any Two or more of such Justices, and shall be applied towards the Purposes of this Act.

Fine not to exceed 5*l.*

On Payment or Tender, Gaol and Tenement, to vest in Justices.

And be it further enacted by the Authority aforesaid, That upon Payment of the Money so agreed to be paid or assessed as aforesaid, or upon Tender thereof, to the said Corporation, and to such Persons as aforesaid, or to their Agents, and in case of Want of Opportunity to tender, or of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk of the Peace for the City and County of the City of Coventry, for the Use of such Corporation and Persons; it shall be lawful for the said Justices, their Surveyors, Workmen, or Agents, to take Possession of the said Part of the said Gaol, and of the said Tenement and Ground, and that the Whole of the said Gaol, and every Part thereof, and of the Out-buildings, Yards, and other Premisses belonging thereto, or now used therewith, and the Materials whereof the same are built, made, or consist, and the Ground whereon the same now stand, or that is used therewith, and also the said Tenement, and the Ground whereon the same stands, or belonging thereto, shall be, and the same are hereby declared to be vested in the Justices of the Peace for the said City and County of the City of Coventry, for the Purpose of building a common Gaol for the said City and County, for the Confinement of Criminals, Debtors, and others, and also a proper Place for the Residence of the Gaoler, and such other Conveniencies as may be necessary.

Old Buildings to be valued, and Estimates for rebuilding the Gaol, to be delivered to the Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said City and County of the City of Coventry, at their said next General or Quarter Sessions, to be held for the said City and County of the same, after the said Twenty fifth Day of March, One thousand seven hundred and sixty eight, or at any subsequent General or Quarter Sessions, or the major Part of them assembled, and they are hereby required to cause the Materials, whereof the present Gaol and the said Tenement now consist, to be valued; and also to order Plans and Estimates to be laid before them for building a new Gaol, and providing proper Conveniencies thereto,

after

after allowing for the Value of the old Materials; and afterwards to agree for the pulling down the present Gaol and the said Tenement, and for erecting, building, finishing, and fitting up, a new Gaol and Habitation for the Use of the said City and County of the same, upon the Site or Ground whereon the present Gaol and the said Tenement now stand, or that belongs to the same, in such manner, as to the said Justices, or the major Part of them, so assembled, shall seem proper.

House of Correction and Gateway to be made a temporary Gaol.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Justices assembled as aforesaid, and they are hereby required to cause the present House of Correction, and also a certain Gate or Building adjoining thereto, both belonging to the Corporation of the said City, with all convenient Speed, to be fitted up, and made of sufficient Strength for a Prison, to be made use of whilst the said Gaol is re-building; and that it shall and may be lawful for the Sheriffs of the said City and County of the same, from time to time, and at all Times after the said Twenty fifth Day of March, One thousand seven hundred and sixty eight, or as soon as the said House of Correction, and Gate or Building, shall be compleated as aforesaid, and until such new Gaol shall be built and properly fitted for a Prison, to convey to, and keep, and detain in, the said House of Correction, Gate or Building, all the Prisoners who have been, or shall be, committed, or who by Law ought to be committed to the said present Gaol, or to the common Gaol for the said City and County of the same, any Writ, Order, or Warrant, or any Law, Usage, or Custom, to the contrary thereof in any wise notwithstanding.

Money for defraying the Expences how to be raised.

And for raising Money to pay the said Corporation for their present Property in the said Gaol as aforesaid, and to purchase the said Tenement and Ground thereto belonging, and to fit up and support the said House of Correction, and Gate or Building, in Manner and for the Purposes aforesaid; and also for the erecting and finishing such new Gaol and Buildings as aforesaid, and other the Purposes of this Act; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said City and County of the same, at their said next General or Quarter Sessions to be held for the said City and County, after the said Twenty fifth Day of March, One thousand seven hundred and sixty eight, or at any subsequent General or Quarter Sessions, or the major Part of them,

them, there, from time to time, assembled, to conclude and agree upon, and to assess such Sum and Sums of Money as they shall, from time to time, find necessary, for the Purposes of this Act, so as the Whole of such Assessments shall not exceed the Sum of Two thousand Pounds; and the same shall be rated and assessed in such and the same Manner, and according to such and the same Proportions, upon every Town, Parish, Hamlet, or Place, within the Limits of the said City and County of the same, and be collected, received, levied, and paid, and be accounted for by the Persons making such Collections, in such Manner, and by such Means, with such Power of Distress, and for enforcing the Collection and Payment thereof, and for punishing all Persons whose Duty it shall be to collect or account for the same, and shall make Default therein, as the County Rates have been usually, or may by an Act made in the Twelfth Year of the Reign of His late Majesty, intituled, An Act for the more easy assessing, collecting, and levying, of County Rates, or by any other Act or Acts of Parliament, be assessed, collected, received, levied, paid, and accounted for, within the said City and County of the same; and such Assessments, when received, shall be, from time to time, paid by the Treasurer or Treasurers of the said City and County of the same to the said Justices, or the major Part of them, so assembled as aforesaid, or to such Person or Persons as they shall, by Writing under their Hands, appoint to receive the same; and the Receipt of such Justices, or of such Person or Persons as shall be so appointed, shall be a full and sufficient Discharge to such Treasurer or Treasurers for the Payment of such Monies.

Tenants may deduct a Moiety.

And be it further enacted by the Authority aforesaid, That every Tenant or Occupier paying the said Rates or Assessments, shall be acquitted and discharged of One Half of so much Money as the said Rates or Assessments shall, from time to time, amount to, and shall retain and deduct the same out of his or her next Rent, which shall become due and payable.

Parochial Officers may re-assess.

And be it further enacted by the Authority aforesaid, That the several and respective parochial Officers, or other Persons, who shall pay, or be liable to pay, the Rates or Assessments which shall be made and rated for the Purpose of this Act, upon any Parish, Town, or Place, and also all such parochial Officers and Persons upon whom any such Rate or Assessment shall be levied, shall and may, from time to time, after Notice shall be given of the Amount of the Rate or Assessment upon such

Town, Parish, or Place (either before the Payment thereof by such parochial Officers or Persons, or after the same shall have been actually paid by, or levied upon, such Officers or Persons) rate and levy such Monies by a separate and distinct Rate and Assessment upon every such respective Town, Parish, or Place, in such Manner and Proportion, and with such Powers for recovering thereof, as any other County Rate may be assessed or levied.

New Buildings, &c. declared to be the Common Gaol for *Coventry*.

And be it enacted by the Authority aforesaid, That the said Gaol, Buildings, and other Conveniencies, to be erected and provided in pursuance of this Act, and the Ground and Soil whereon the same shall stand, or which shall, within the Meaning of this Act, belong thereto, shall be deemed and taken to be the Ground, Common Gaol, and Buildings, of the said City and County of the same, and shall, from time to time, be maintained, supported, and repaired, by such Ways and Means as other Gaols in this Kingdom are by Law to be maintained, supported, and repaired.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That all such Charges and Expences as have been, or shall be, sustained or expended in or about procuring this present Act of Parliament, shall (in the First Place) be satisfied and paid out of the Monies to be raised by virtue or in pursuance of this Act; and that after such Charges and Expences, and the Charges of erecting, completing, and finishing, the said Gaol and Buildings, and all Debts incurred thereby, and all other Monies to be paid in pursuance of this Act, shall be fully paid and satisfied, the Surplus of the Monies to be raised and levied by virtue of this Act, shall, by Order of the said Justices assembled in their General or Quarter Sessions as aforesaid, or the major Part of them so assembled, be paid into the publick Stock of the said City and County of the same, and be deemed and taken, and shall and may be applied and paid as Part of the common Stock, to and for such Uses as the County Stock can or may be applied.

Accounts to be made out of Monies received and expended, &c.

And be it enacted by the Authority aforesaid, That some Time between the Twenty fourth Day of June, and the Twenty ninth Day of September, in every Year, a fair and just Account shall be made and wrote out of all Monies received and paid by virtue and in pursuance of this Act, and how, and to whom, and when, and for what Purposes, the same have been laid out, paid, and expended; a Copy or Duplicate of which Account, signed by the said Justices, or the major Part of them,

them, so assembled as aforesaid, shall be deposited with the Clerk of the Peace of the said City for the time being, to be kept among the Records of the Sessions of the Peace, who shall permit any Person so taxed as aforesaid, to inspect the same, at all seasonable Times, paying Six Pence for such Inspection; and shall, upon Demand, forthwith give Copies of the same, or any Part thereof, to such Person, paying at the Rate of Two Pence for every Hundred Words, and so in Proportion for any greater or less Number.

Persons aggrieved may appeal to the Quarter Sessions.

Provided also, and be it enacted, That all Persons who shall apprehend themselves overcharged, or otherwise aggrieved, by any Assessment, or other Act to be made or done by virtue of this present Act, may appeal to the Justices of the Peace assembled at their next Quarter Sessions held for the said City and County of the same, after Demand of the Monies assessed, or after such other Act done, who shall and may make such Order therein as to them, or the major Part of them then and there present, shall seem meet.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be brought and commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the City and County of the City of Coventry, and not elsewhere; and the Defendant or Defendants

General Issue.

in such Action or Suit shall and 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 Nonsuited, 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.

Treble Costs, and have such Remedy for such Costs as any other Defendant or Defendants hath or have for Costs in any other Cases by Law.

Publick Act.

And be it enacted by the Authority aforesaid, 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.

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FINIS.