ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

C A P. LXXII.

An Act to render it unnecessary to keep up *Rothwell* Gaol, in the Honor of *Pontefract*, in the West Riding of the County of *York*.

[31st *July* 1845.]

WHEREAS the Queen's most Excellent Majesty, in right of Her Duchy of *Lancaster*, is seised of the Honor of *Pontefract*, in the West Riding of the County of *York*, and there now is within the said Honor a certain Common Gaol or Prison known by the Name of "*Rothwell* Gaol," and the recent Alterations in the Law relating to the Imprisonment of Debtors having caused the Number of Prisoners ordinarily confined in the said Gaol to be very small, it has become expedient that after the Period herein-after mentioned no Person or Persons should be committed into Custody to such Gaol, and that Persons committed into Custody from the Court Baron of the said Honor should be committed to and imprisoned in the County Gaol or Prison at *York* known by the Name of "*York* Castle:" And whereas Doubts have been entertained whether Commitments from the said Court Baron may lawfully be made to *York* Castle; and it is expedient that such Doubts should be removed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Conseut of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on, from, and after the First Day of *February* which will be in the Year One thousand eight hundred and forty-six no Person or Persons shall be committed or ordered to stand committed into Custody by or from any of Her Majesty's Courts at *Westminster*, or the said Court Baron, or any other Court whatsoever, or by or under any Writ, Warrant, Precept of Execution, or Process whatsoever, to *Rothwell* Geol, nor shall any Person or Persons (except as herein-after is excepted) be imprisoned therein, but the said Gaol (except so far as relates to any Person or Persons then in Custody therein) shall cease to be and to be used as a Gaol or Prison.

On and after 1st February 1846, no Person to be committed to Rothwell Gaol.

II. And be it enacted, That if on the said First Day of *February* there shall be, besides such Prisoner or Prisoners, if any, as shall then be in the Custody of the Keeper of *Rothwell* Gaol under any Process of the said Court Baron, any Prisoner or Prisoners in the Custody of the Keeper of *Rothwell* Gaol by or under any Writ, Warrant, Precept, or Process whatever, the said Keeper shall, within One Week from the said First Day of *February*, certify under his Hand to the Lord Chief Justice of the Court of Queen's Bench a true List containing the Name or Names of such Prisoner or Prisoners as last mentioned, with the Cause and Time of his or their Commitment respectively; and as soon thereafter as may be the said Lord Chief Justice shall issue his Warrant or Warrants under his Hand, directed to the Keeper of *Rothwell* Gaol, requiring him to convey to *York* Castle, and to deliver into the Custody of the Keeper of *York* Castle there, the said Person or Persons so as last aforesaid in his Custody, or such of them as shall be named in any such Warrant; and upon the Receipt of any such Warrant the Keeper of *Rothwell* Gaol shall, and he is hereby authorized and empowered so to do (unless the Person or Persons named in such Warrant shall before the Receipt of the same have been lawfully discharged out of his Custody), forthwith convey the said Person or Persons to *York* Castle, and there deliver him or them into the Custody of the Keeper of *York* Castle, together with the Warrant or Warrants of his or their Commitment respectively; and the Removal of any such Prisoner or Prisoners in obedience to the Warrant of the Lord Chief Justice as aforesaid shall not be construed to be an Escape; and the Keeper of *York* Castle shall receive the said Person or Persons from the Keeper of *Rothwell* Gaol, together with such Warrant or Warrants, and shall detain such Person or Persons in his Custody in obedience to such Warrant or Warrants.

Prisoners from Courts at Westminster to be removed to York Castle, by Warrant of the Lord Chief Justice of the Queen's Bench.

III. And be it declared and enacted, That on, from, and after the said First Day of *February* (if on the said Day there shall be no Prisoner in the Custody of the Keeper of *Rothwell* Gaol, or if there shall then be any Prisoner or Prisoners in the Custody of the Keeper of *Rothwell* Gaol, so soon as there shall cease to be any such Prisoner or Prisoners in such Custody, by Removal in obedience to the Warrant of the Lord Chief Justice, or lawful Discharge of such Prisoner or Prisoners, as the Case may be respectively,) it shall not be necessary to repair, maintain, or keep up *Rothwell* Gaol, or to

Not necessary to keep up Rothwell Gaol.

maintain or keep up the Office or Offices of Keeper or Gaoler thereof, or any other Office of or in respect of the said Gaol; and the Liability (if any) of the Queen's most Excellent Majesty, Her Heirs, Successors, or Assigns, to repair, maintain, or keep up the same respectively, or to repair, maintain, or keep up any Gaol or Prison whatever within the Honor of *Pontefract*, or in respect of Her Majesty, Her Heirs, Successors, or Assigns, being seised of the said Honor, shall absolutely cease and determine.

Sheriff of York may enter the Liberty of Pontefract to execute against the Person.

IV. And be it enacted, That on, from, and after the said First Day of *February* the Sheriff for the Time being of the said County of *York* shall, and he is hereby authorized and empowered so to do, execute or cause to be executed within the Liberty and Franchise of the said Honor of *Pontefract* all Writs of Capias, or Capias ad satisfaciendum, and all other Writs, Precepts, or Process whatsoever against the Person, to the said Sheriff directed or sent, (whether such Writs, Precepts, or Process shall or shall not contain a Non omittas Clause,) in the same Manner, and to the same Extent, and by and under the same Powers and Liabilities, for all Purposes whatsoever, as if the Liberty and Franchise of the said Honor were not an ancient Liberty or Franchise having Execution or Return of Writs; and the Liability (if any) of the Bailiff for the Time being of the said Liberty, as Bailiff of the said Liberty, to execute or return any such Writ, Precept, or Process under or by virtue of any Mandate or Warrant to him made, sent, or directed by the said Sheriff shall absolutely cease and determine.

All Commitments within the said Honor may be made to York Castle, and Keeper thereof to receive such Persons into Custody.

V. And be it declared and enacted, That on, from, and after the said First Day of *February*, in every Case in which it shall be lawful to commit any Person or Persons, or to order any Person or Persons to stand committed, into Custody by or from the said Court Baron, or by or under any Precept of Execution, Warrant, or Process whatsoever of or from the same, it shall be lawful to commit any such Person or Persons into Custody to, or to order any such Person or Persons to stand committed into Custody to, and to imprison any such Persons or Persons in, *York* Castle; and the Keeper for the Time being of *York* Castle shall be and is hereby required to receive and take into Custody all Persons who shall be committed or ordered to stand committed to *York* Castle by or from the said Court Baron under or by virtue of this Act.

Provisions of 2 & 3 Vict. c. 85. to extend to Commitments from Court Baron under this Act.

VI. And be it enacted, That every Clause, Matter, and Thing contained in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the more easy and speedy Recovery of Small Debts and Damages within the Honor of* Pontefract, *Parcel of Her Majesty's Duchy of* Lancaster, *in the West Riding of the County of* York, *and for altering the Practice and extending the Jurisdiction of the Court Baron of the said Honor*, shall, so far as the same may be applicable thereto, be construed to extend to any Case in which any Person shall be committed or ordered to stand committed into Custody by or from the said Court Baron under or by virtue of this Act, in the same Manner and to the same Extent as if the Provisions of the said Act of the Third Year of the Reign

Reign of Her present Majesty had been herein expressly contained and re-enacted.

Act not to affect Rights of Her Majesty in respect of the Honor.

VII. Provided always, and it is hereby expressly declared and enacted, That nothing in this Act contained shall be construed to restrain, diminish, or in any way affect (except so far as herein is expressly mentioned) any Franchise, Liberty, Right, Power, Privilege, or Authority before or at the Time of the passing of this Act held, possessed, or enjoyed by the Queen's most Excellent Majesty or Her Predecessors, or by any of Her Bailiffs or other Officers, over, in, or in respect of the said Honor of *Pontefract*.

Act not to affect 2 & 3 Vict. c. 85. except as expressly mentioned.

VIII. Provided also, and be it enacted, That nothing in this Act contained shall be construed to repeal, alter, or in any way affect (except so far as herein is expressly mentioned) the said Act of the Third Year of the Reign of Her present Majesty, or any Power given in the said Act of committing from the said Court Baron to any Common Gaol other than *Rothwell* Gaol, or in any way to affect the Validity of the Commitment, Custody, or Imprisonment of any Person or Persons committed to or in Custody in *Rothwell* Gaol before the said First Day of *February* which will be in the Year One thousand eight hundred and forty-six.

Alteration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Public Act.

X. And be it enacted, That this Act shall be and be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges and others.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.