



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 67.

An Act for vesting in the Justices of the Peace for the County of *Rutland* the New Gaol and Bridewell for that County, and the Ground purchased for the Scites thereof, and for confirming certain Rates and Proceedings relative thereto. [14th *May* 1811.]

**W**HEREAS the Common Gaol of and for the County of *Rutland*, situate and being in *Oakham*, in the said County, was by the Grand Jury at the General Sessions of Oyer and Terminer, held at *Oakham*, in and for the said County, on the Thirtieth Day of *July* One thousand eight hundred and two, presented and found to be unsafe and insecure: And whereas the Justices of the Peace acting in and for the said County, assembled at the General Quarter Sessions of the Peace, being only Five in Number, pursuant to such Presentment, proceeded to take into Consideration the State and Condition of the said Gaol, and thereupon it appeared to the said Justices to be necessary to erect and build an entirely New Gaol and Bridewell, or House of Correction, of and for the said County; and it also appeared to the said Justices that it would be convenient to purchase Two Pieces or Parcels of Land, herein-after more particularly mentioned, situate in the North Field of *Oakham* aforesaid, within the Distance of Two Miles from the Scite of the Old Gaol, for the Purpose of building the said New Gaol and Bridewell, or House of Correction thereon, by reason that the Scite of the Old Gaol was too circumscribed, upon which to erect and build the New Gaol and Bridewell, or House of Correction; and the said Justices did therefore, and for that Purpose, contract and agree to purchase the

[*Loc. & Per.*]

said Two Pieces or Parcels of Land : And whereas the said Justices have erected on Part of the Land contracted and agreed to be purchased by them as aforesaid a New Gaol and other Buildings for the Convenience and Use of the said Gaol ; and have also erected and built a New Bridewell or House of Correction for the Use of the said County of *Rutland* on other Part of the same Land, and adjoining the said New Gaol ; and the said New Gaol and Bridewell or House of Correction are now completed, and rendered in every Respect convenient, safe, and secure for the Reception and Custody of Felons, Debtors, and all other Persons of whatever Description, who are or may be committed thereto or confined therein : And whereas the said Two Pieces or Parcels of Land are Copyhold of Inheritance, held of the Dean and Chapter of *Westminster*, as Lords of the Manor of *Oakham*, with *Barleythorpe*, in the said County of *Rutland* : And whereas the Copyhold Estate or Interest of and in one of the said Pieces or Parcels of Ground, namely, all that Piece or Parcel of Open Field Land situate, lying, and being in the North Field of *Oakham* aforesaid, containing by Estimation One Acre or thereabouts, abutting East to a certain Yard called *The Wharf Yard* ; West, to a Lane leading from the King's Highway into the said Open Field ; North, to Land belonging to *William Ches Headley* ; and South, to a certain Lane called *The Back Lane*, and which said Piece or Parcel of Open Field Land was late in the Occupation of *Robert Hawley*, and was at the Time of the Contract or Agreement for the Purchase thereof vested, and now is vested, in *Thomas Bromley* of *Goatby*, in the County of *Leicester*, Grazier, in Fee, as eldest Son and Heir of *William Bromley*, late of *Goatby* aforesaid, Grazier, deceased, upon Trust, to and for the Benefit of *Daniel Cramp*, late of *Oakham* aforesaid, but now of *Whissendine*, in the said County of *Rutland*, Gentleman, and his Assigns for his Life, with Remainder as to One-third Part thereof, in Trust for *Robert Hawley* of *Oakham* aforesaid, Draper, his Heirs and Assigns ; and as to the Two remaining Third Parts thereof, in Trust for *William Barton Burton*, Captain in the *Leicestershire* Militia, and *Mary Ann Hicks* of *Burley*, in the said County of *Rutland*, Spinster, their Heirs and Assigns ; and the Copyhold Estate and Interest of, and in the other of the said Pieces or Parcels of Land, namely, all that Piece or Parcel of Open Field Land situate, lying, and being in the North Field in *Oakham* aforesaid, containing by Estimation Half an Acre or thereabouts, abutting East to a certain Yard called *The Wharf Yard* ; West, to a Road called *The Field Road* ; North, to Land belonging to the Earl of *Winchelsea* in the Occupation of *Thomas Cole* ; and on the South, to Land vested in the said *Thomas Bromley* upon the Trusts aforesaid ; which said last mentioned Piece of Land was late in the Occupation of *John Cook*, and was at the Time of the Contract or Agreement for the Purchase thereof, and now is vested in *William Ches Headley* of *Falkingham*, in the County of *Lincoln*, Surgeon and Apothecary, in Fee Tail, with Remainder over : And whereas the said Justices of the Peace did, after contracting and agreeing to purchase the Copyhold Estate or Interest of and in the said Pieces or Parcels of Land as aforesaid, also contract and agree with the Dean and Chapter of *Westminster* for the Enfranchisement of the same, at or for the Price or Sum of Thirty-one Pounds Ten Shillings : And whereas the said Justices have paid or caused to be paid, to the respective Persons entitled thereto, the several Sums of Money contracted and agreed to be paid or given by them for the Purchase of the Copyhold Estate or Interest of and in the said Two Pieces or Parcels of Ground respectively,

and

and have also, by the Direction of the said Dean and Chapter, paid or caused to be paid unto the Reverend *Joseph Allen*, Prebendary of the said Collegiate Church of *Saint Peter Westminster*, and *Anthony Gell* of the *Cloisters, Westminster Abbey*, Esquire, Trustees, nominated by the said Chapter, the said Sum of Thirty-one Pounds Ten Shillings, agreed to be given for the Enfranchisement of the said Copyhold Premises; but the Copyhold Estate or Interest of the said several Parties of and in the said Pieces or Parcels of Land, or either of them, or any Part or Parts thereof respectively, hath not yet been surrendered to or otherwise vested in the said Justices, or any other Person or Persons in Trust for them, nor hath any Enfranchisement of the said Pieces or Parcels of Land, or either of them, or any Part or Parts thereof respectively, been made and effected by the said Dean and Chapter: And whereas, in order to defray the Expences of purchasing the Copyhold Estate and Interest of and in the said Two Pieces and Parcels of Land, and enfranchising the same, and of erecting and building the said New Gaol and Bridewell, or House of Correction, the Justices of the Peace acting in and for the said County, at their General Quarter Sessions of the Peace held in and for the said County of *Rutland*, from Time to Time verbally ordered that such Sums of Money as were by them then and there deemed necessary to be raised for the several Purposes aforesaid, and for the other Purposes of the said County of *Rutland*, should be raised in the same Manner as Money had been theretofore raised for the general Purposes of the same County; and the Money so by the said Justices deemed necessary to be raised for the several Purposes aforesaid were under and by virtue of such Orders raised accordingly: And whereas Doubts have been entertained, whether the said Justices of the Peace were duly authorized to purchase the said Pieces or Parcels of Land, or either of them, or any Part or Parts thereof, and to contract and agree for the Enfranchisement thereof, and to build thereon the said Gaol and Bridewell, or House of Correction, and also whether they were duly authorized to raise such Sums of Money as were by them deemed necessary for the Purposes aforesaid to be raised under such verbal Orders as herein-before mentioned: And whereas it is expedient that all such Doubts should be removed, and that the Purchase of the said Pieces or Parcels of Ground, and the Contract or Agreement for enfranchising the same, and also the Act of building the said Gaol and Bridewell, or House of Correction thereon, should be sanctioned, settled, and confirmed, and that the said New Gaol and Bridewell, or House of Correction respectively, should be declared to be a Publick Common Gaol and Bridewell, or House of Correction for the said County of *Rutland*, and that the Orders made by the said Justices as aforesaid for raising Money to defray the Expences of such Purchases and Enfranchisement, and of erecting and building the said Gaol and Bridewell, or House of Correction, and for the other Purposes aforesaid, should be also sanctioned and confirmed, and that the Justices of the Peace acting in and for the said County of *Rutland* should be authorized and empowered to make Rates for raising Money for all and every the Purposes aforesaid: 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 said Two Pieces or Parcels of Land so purchased or contracted and agreed to be purchased as aforesaid, and also the said New Gaol and

Land purchased for the Site of the New Gaol

and House of  
Correction,  
and the Erec-  
tions thereon  
vested in the  
Justices of the  
Peace for the  
County of  
Rutland.

Bridewell, or House of Correction, and all other the Buildings erected and built or to be erected and built on the said Pieces or Parcels of Land, or either of them, or any Part or Parcel thereof respectively, shall, from and immediately after the passing of this Act, be deemed and taken to have become vested in the Justices of the Peace for the said County of *Rutland* for the Time being, in Fee Simple freed and discharged of and from all Estates Tail, and Remainders or Reversions, created or limited of and in the same Premises, or any Part or Parts thereof, and of and from all other Estates, Rights, Titles, and Interests, of, in, to, or out of the same Premises, or any Part or Parts thereof, for the several Intents and Purposes of an Act of Parliament made and passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act to explain and amend an Act made in the Eleventh and Twelfth Years of the Reign of King William the Third, intituled, 'An Act to enable Justices of the Peace to build and repair Gaols within their respective Counties, and for other Purposes therein mentioned,'* and of this Act and the said New Gaol and Bridewell, or House of Correction respectively, are hereby declared to be a Publick Common Gaol and Bridewell, or House of Correction for the said County of *Rutland*; and that the said New Gaol and Bridewell, or House of Correction, and other the Buildings and Appurtenances thereunto belonging, shall from Time to Time be maintained, supported, repaired, rebuilt or removed by the Justices of the Peace for the Time being of the said County of *Rutland*, by such Ways and Means, and in such Manner as other Publick and Common Gaols and Bridewells or Houses of Correction are by Law directed to be maintained, supported, repaired, rebuilt or removed; and that the said Lands, and the said New Gaol and Buildings and Bridewell, or House of Correction, shall and may be used from Time to Time for ever, as well for the several Purposes aforesaid, as also for such other Publick County Purposes as the Justices of the Peace of the said County of *Rutland* for the Time being, assembled in their General Quarter Sessions of the Peace, or at any Adjournment or Adjournments thereof, or the Majority of them shall think proper and direct.

The same  
declared the  
Common  
Gaol and  
House of  
Correction  
for the Coun-  
ty of Rutland.

Justices em-  
powered to  
sell the Old  
Gaol, &c.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace of the said County of *Rutland* for the Time being, or the Majority of them, to sell and dispose of the said Old Gaol and the Scite and Materials thereof, and the Lands and Appurtenances thereunto belonging, at the best Price or Prices that can or may be gotten for the same, and either by Publick Sale or Auction, or by Private Contract, and in one or more Lot or Lots, and by any Deed or Deeds in Writing to convey and assign the same to the Purchaser or Purchasers thereof, his, her, or their Heirs, Executors, Administrators, and Assigns, and that such Purchase Money or Purchase Monies shall be paid into the Hands of the County Treasurer for the Time being of the said County of *Rutland*, to be by him applied in Aid or Ease of the County Rates; and that the Receipt or Receipts of such Treasurer for the said Purchase Money or Purchase Monies, or for so much and such Part or Parts thereof respectively as in such Receipt or Receipts shall be acknowledged or expressed to be received, shall be a good and sufficient Discharge, and good and sufficient Discharges, to such Purchaser or Purchasers respectively; and from and after the making and executing of such Conveyance and Assignment, and the Payment of the

the said Purchase Money or Purchase Monies as aforesaid, such Purchaser, or his, her, or their Heirs, Executors, Administrators, or Assigns, shall have, hold, and enjoy the said Lands, Tenements, and Hereditaments so to be sold to them as aforesaid, for his, her, or their own respective Use and Benefit.

III. And be it further enacted by the Authority aforesaid, That in case the Monies collected and received, under or by virtue of the Orders made by the said Justices as aforesaid, for raising Money to defray the Expences of purchasing the said Two Pieces or Parcels of Land, and enfranchising the same, and of erecting and building the said New Gaol and House of Correction, and for the other Purposes aforesaid, shall be insufficient for answering all such Purposes, it shall and may be lawful to and for the Justices of the Peace acting in and for the said County, at their Quarter Sessions or General Sessions of the Peace assembled, or the major Part of them, to make one or more Rate or Rates for raising such Sums of Money as will be sufficient to answer and satisfy all and every the Purpose and Purposes aforesaid, in the same Manner as Rates are directed to be raised by Two Acts of Parliaments, one made and passed in the Twelfth Year of the Reign of His late Majesty King *George the Second*, intituled, *An Act for the more easy assessing, collecting, and levying of County Rates*; and the other of the said Acts made and passed in the Thirteenth Year of the Reign of His said late Majesty, intituled, *An Act for amending and enforcing the Laws relative to Rogues, Vagabonds, and other idle and disorderly Persons, and for reducing the same into One Act of Parliament, and also for amending the Laws for erecting, providing, and regulating Houses of Correction*.

Justices authorized to make further Rates, if necessary.

IV. And be it further enacted by the Authority aforesaid, That the Orders made by the said Justices as aforesaid shall be and the same are hereby declared to be good, valid, and legal Orders for raising such Sum and Sums of Money as were by the said Justices deemed necessary for defraying the Expences of purchasing the said Pieces or Parcels of Ground and enfranchising the same, and of erecting and building the said New Gaol and Bridewell or House of Correction, and for the other Purposes aforesaid.

Orders made by the Justices for Sums to be raised for the New Gaol, &c. declared valid.

V. And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced or prosecuted against any Person or Persons who has or have been employed in the collecting or receiving any Money in pursuance of the said Orders made by the said Justices for raising Money for the Purposes aforesaid, but that all and every such Person and Persons shall be freed, acquitted, discharged, and indemnified, and are and is hereby accordingly freed, acquitted, discharged, and indemnified from and against any such Action or Suit, and all and every Prosecution and Proceeding for and on Account thereof, or in anywise relating thereto.

Persons indemnified for collecting the same.

VI. And be it further enacted, That all personal Actions, Suits, Indictments, Informations, and Prosecutions heretofore brought, commenced, preferred, or exhibited, or to be brought, commenced, preferred, or exhibited, and all Judgements thereupon obtained, (if any such there be,) and all Proceedings whatsoever against all or any of the Justices of the Peace for the said County of *Rutland*, or any of them, for or on Account of their having purchased or contracted and agreed to

Justices indemnified for what they have done in respect of the New Gaol.

purchase the said Pieces or Parcels of Land, or either of them, and having contracted and agreed for the Enfranchisement thereof, and having erected the said New Gaol and Bridewell, or House of Correction, and other Buildings thereon, and having made the said Orders for raising Money and for having caused Money to be raised to defray the Expences thereof, and for the other Purposes aforesaid, shall be discharged, and made void; and that the said Justices of the Peace, and each and every of them, shall be freed, acquitted, discharged, and indemnified and are and is hereby accordingly freed, acquitted, discharged, and indemnified from and against any such Action; Suit, Indictment, Information, Prosecution, and Proceeding whatsoever.

Certain general Acts declared applicable to this Act.

VII. And be it further enacted, That all and every the Powers, Clauses, Provisions, and Regulations, contained as well in the aforesaid Act passed in the Twenty-fourth Year of the Reign of His present Majesty as in a certain Act passed in the Twenty-second Year of the Reign of His present Majesty, intituled, *An Act for the amending and rendering more effectual the Laws in being relative to Houses of Correction*; and also in another Act passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act to explain and amend an Act made in the Eleventh and Twelfth Years of the Reign of King William the Third, intituled, 'An Act to enable Justices of the Peace to build and repair Gaols in their respective Counties, and for the other Purposes therein mentioned;*' and also in a certain Act passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for the more effectual Execution of the Laws respecting Gaols*; and also in an Act passed in the Thirty-first Year of the Reign of His said present Majesty, intituled, *An Act for the better regulating of Gaols and other Places of Confinement*, shall and may be used and enforced for the better effectuating and carrying into Execution of this present Act to all Intents and Purposes, except in such Cases as are herein specifically and expressly provided for.

Expences of this Act.

VIII. And be it further enacted, That all the Costs, Charges, and Expences preparatory to or attending the obtaining and passing of this Act, and the Costs, Charges, and Expences of carrying the several Purposes thereof into Execution, shall be borne and paid by the said County of *Rutland*, and shall be paid and discharged out of the Rates to be assessed and raised within and for the said County of *Rutland*.

Application of the Money paid to Trustees for the Dean and Chapter of Westminster.

IX. And be it further enacted, That the said Sum of Thirty-one Pounds Ten Shillings contracted to be paid for the Enfranchisement of the said Copyhold Hereditaments, and which hath been paid to the said *Joseph Allen* and *Anthony Gell*, as Trustees nominated in that Behalf by the said Dean and Chapter of *Westminster* as herein-before mentioned, shall be applied in the Redemption or Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance, or any Part thereof affecting the Freehold and Inheritance of the other Hereditaments standing settled with the Freehold and Inheritance of the Hereditaments hereby enfranchised, or to the same or the like Uses, Intents, and Purposes, or in case such Money shall not be so applied, then the same shall be laid out and invested in the Purchase of other 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 Freehold and Inheritance of the Hereditaments so enfranchised as aforesaid

said stock settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the same Money shall be invested by the said Trustees in their Names in the Purchase of Three Pounds *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities; and in the mean Time, and until such Bank Annuities shall 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 to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so hereby directed to be purchased in case such Purchase and Settlement were made.

X. And be it further enacted, That in case any Action or Actions shall before the passing of this Act have been brought or commenced against any Person or Persons for or by Reason of the Justices of the Peace for the said County of *Rutland* having purchased the said Pieces or Parcels of Ground, or either of them, or any Part or Parts thereof, and of having contracted and agreed for the Enfranchisement thereof, or of building thereon the said New Gaol and Bridewell or House of Correction, or of making the Orders which were by the said Justices from Time to Time made for raising such Sums of Money as were by them deemed necessary to be raised for the Purposes aforesaid, or of the raising or collecting thereof under or by virtue of such Order or Orders respectively, that then such Person or Persons shall not recover or be entitled to recover in respect thereof more than his or their Costs which may have been actually incurred in such Action or Actions up to the Day of passing this Act, to be taxed by the proper Officer of the Court wherein such Action or Actions shall have been brought, and that upon Payment or Tender made to the said Plaintiff or Plaintiffs, or to the Attorney or Attornies employed in prosecuting such Action or Actions of the Costs so taxed as aforesaid, all further Proceedings in such Action or Actions shall be stayed: Provided always, that nothing herein contained shall extend or be construed to extend to indemnify any Person against whom final Judgement shall have been regularly obtained and entered up, on or before the Day of passing this Act, in any such Action or Actions as aforesaid.

Defendant to pay Costs in any Actions pending.

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

Publick Act.

