



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 85.

An Act to explain and amend an Act of the Twenty-seventh Year of His present Majesty, for making and declaring the Gaol for the County of *Devon* a Public and Common Gaol, and for other Purposes in the said Act mentioned. [18th May 1810.]

WHEREAS by an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for making and declaring the Gaol of the County of Devon, called The High Gaol, a Public and Common Gaol, and for discharging Denys Rolle and John Rolle Esquires, and their respective Heirs and Assigns, from the Office of Keeper of the said Gaol, and for improving and enlarging the same, or building a new one; and also for taking down the Chapel in the Castle of Exeter, and for other Purposes therein mentioned; the Justices of the Peace of the said County of Devon were enabled and empowered to purchase a certain Garden called Witherall's Garden, and any Houses, Buildings, Lands, Tenements, and Hereditaments lying near and contiguous thereto, either in the City of Exeter or in the County of Devon, for building a new Gaol, and to make all necessary Drains and Sewers through the said City and County, and to do all other Acts, Matters, and Things whatsoever requisite or proper for the Use and Convenience of the said Gaol; and such Houses, Buildings, Lands, Tenements, and Hereditaments, when inclosed and added to the said Gaol, were to be deemed and taken as Part thereof, and to be Part of the County of Devon to all Intents and Purposes whatsoever; and the same are thereby vested in such Person or Persons as the Justices of the General Quarter Sessions of the Peace for the said County should think fit, in Trust for the Uses and Purposes afore-*

[Loc. & Per.] 22 T said :

27 G.3.c.59.

said : And whereas it appeared to the said Justices of the Peace for the said County of *Devon*, after the passing of the said Act, that a Piece of Land might be procured for the Purpose of building the said new intended Gaol, which would be much more convenient for the Purpose than the Garden and Premises aforesaid, and the said Justices did, in the Year One thousand seven hundred and eighty-eight, by virtue of the said recited Act, and also of an Act passed in the Twenty-fourth Year of His said present Majesty's Reign, 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 other Purposes therein mentioned,'* purchase about Eight Acres, being Parts and Parcels of certain Fields, called or known by the Names of *Long Path Field*, *Snake Field*, and *Second Rock Field*, situate in the Parish of *Saint David*, in the City and County of the City of *Exeter* : And whereas the said Justices did some Years since erect on Part of the said Land so purchased a new Gaol and other Buildings for the Convenience and Use of the said Gaol, and they have also lately erected and built a new Bridewell or House of Correction for the Use of the said County of *Devon* on other Part of the same Land and adjoining the said new Gaol : And whereas Doubts have been entertained whether the said Justices of the Peace were by the said Acts, or by other the Laws of this Realm, duly and lawfully authorized to purchase for the several Purposes aforesaid all or any Part of the said Lands, and to build thereon the said Gaol and Bridewell or House of Correction, and other public Buildings so erected thereon or on any of them, and whether by the Purchase of the said Lands, and applying the same to the Purposes aforesaid, the same became and are now to be deemed and taken by virtue of the said Acts, as situate within and Part of the said County of *Devon* : And whereas it is expedient that the Purchase of the said Land, and the Act of building the said Gaol and Bridewell for the several Purposes aforesaid, should be sanctioned, settled, and confirmed by the Authority of Parliament, and that no Doubt should remain but that all the said Lands so purchased should be declared to be situate in and to have become Parcel of the said County of *Devon*, upon the Purchase of the same for the Purposes aforesaid, and that such Lands may be made use of as well for the several Purposes aforesaid, as also for such other public County Purposes as by the Justices at the General Quarter Sessions of the Peace for the said County of *Devon* shall from Time to Time be thought necessary or convenient ; and that the said Act should be amended, explained, and extended, so as to be rendered effectual for all the several 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 all the said Lands and Grounds so purchased from the Time of such Purchase aforesaid, shall be deemed and taken, to all Intents and Purposes, to have become and to be situate within and Parcel of the said County of *Devon* ; and that the said new Gaol and Bridewell, or House of Correction, and all other the Buildings erected and built, or to be erected and built on the said Lands, 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 *Devon* for the Time being, for the several Intents and Purposes of the said former and this Act ; and that the same Gaol

Land purchased for the Erection of a new Gaol and House of Correction declared to be within the County of Devon, and vested in the

Gaol and House of Correction respectively are hereby declared to be a Public Common Gaol and House of Correction for the said County of *Devon*; and that the said Gaol and 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, by such Ways and Means, and in such Manner as other Public and Common Gaols and Houses of Correction are by Law directed to be maintained, supported, repaired, rebuilt, or removed; and that the said Lands shall and may be used from Time to Time for ever, as well for the several Purposes aforesaid, as also for such other public County Purposes as the Justices of the Peace of the said County of *Devon* 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.

Justices of the Peace for the said County.

II. 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 Judgments 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 *Devon*, Sheriff, Keeper, or Governor of the House of Correction, or any other Person or Persons whomsoever, for or on account of any Commitment or Commitments of any Prisoner or Prisoners to the said new Gaol and House of Correction, or to either of them, or otherwise, on the Ground only that the same, or either of them, are or is not, or were or was not situate within the said County of *Devon*, shall be discharged, frustrated, and made void, and that the said Justices of the Peace, Sheriff, Keeper, or Governor of the House of Correction, and other Person and Persons aforesaid, 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.

Proceedings against Magistrates or Sheriff to be made void.

III. Provided always, and be it further enacted, That in case of any such Action, Suit, Indictment, Information, or Prosecution being brought, commenced, preferred, or exhibited before the passing of this Act, against all or any of the said Justices, Sheriff, Keeper, or Governor of the House of Correction, or any other Person or Persons whomsoever, for or on account of any Commitment or Commitments of any Prisoner or Prisoners to the said new Gaol and House of Correction, or to either of them, or otherwise, on the Ground only that the same or either of them are or is not, or were or was not situate within the said County of *Devon*, the Defendants or Defendant in such Actions or Suits, Action or Suit, shall pay the Costs thereof as taxed by the proper Officer of the Court wherein such Actions or Suits, Action or Suit, shall be brought or instituted.

In Cases of Actions brought against Justices on account of Commitment, Defendants to pay Costs.

IV. And be it further enacted, That all and every the Powers, Clauses, Provisions, and Regulations contained, as well in the said recited Act 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 a certain other 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*

Powers of certain Acts extended to this Act.

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 other Purposes therein mentioned;' and also in another Act passed in the same Year, intituled, *An Act to explain and amend an Act made 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 an 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 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 applicable and used and enforced for the better effectuating and carrying into Execution this present Act, to all Intents and Purposes, except in such Cases as are herein specially and expressly provided for.

For paying
the Expences
of this Act.

V. And be it enacted, That all 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 defrayed by the said County of Devon, and shall be paid and discharged by and out of the Rates to be assessed and raised within and for the said County.

Public Act.

VI. 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.

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