ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 47.

An Act for building and maintaining a Houſe of Correction in and for the City and County of *Aberdeen*, and for raiſing a Fund for defraying the Charges of apprehending, proſecuting, and ſubſiſting Criminals, Rogues, and Vagabonds, found within the ſaid City and Liberties thereof. [7th *May* 1802.]

WHEREAS there is no proper Houſe of Correction in the City or County of *Aberdeen*, nor is there at preſent any Fund for building and maintaining ſuch a Houſe of Correction: And whereas the moſt convenient Situation for ſuch a Houſe of Correction would be in the Pariſh of *Old Machar* within the Freedom and Liberties of the ſaid City: 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 Provoſt of the City of *Aberdeen*, the Members in Parliament repreſenting the City and County of *Aberdeen*, the Convener of the Trades of the City of *Aberdeen*, the Convener of the County of *Aberdeen*, and the Sheriff Depute of the ſaid County, or in

Commiſſioners appointed for building a Correction Houſe.

in his Abſence the Sheriff Subſtitute, all for the Time being, together with Four Perſons to be elected by the Magiſtrates and Town Council of the ſaid City, and Four other Perſons to be elected by the Freeholders, Juſtices of the Peace, and Commiſſioners of Supply of the ſaid County of *Aberdeen*, in the Manner and at the Times herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for building and maintaining a Houſe of Correction in and for the ſaid City and County of *Aberdeen*, and for executing all the other Powers committed by this Act to the ſaid Commiſſioners.

Elective Commiſſioners, how to be choſen.

II. And be it enacted, That the ſaid Commiſſioners to be elected as aforeſaid ſhall be choſen in the Manner and for the Time after mentioned, that is to ſay, Four Perſons, Burgeſſes of *Guild* of the ſaid City of *Aberdeen*, ſhall be choſen by the Magiſtrates and Town Council of the ſaid City, and Four other Perſons ſhall be choſen by the Freeholders, Juſtices of the Peace, and Commiſſioners of Supply of the County of *Aberdeen*, out of their own Number; and for the Purpoſe of making ſuch Election the ſaid Magiſtrates and Town Council ſhall meet in the Council Chamber of the ſaid City on the Firſt *Monday* of the Third Month after the paſſing of this Act at Twelve of the Clock at Noon, and then and there elect the Four Commiſſioners to be nominated by them; and the Freeholders, Juſtices of the Peace, and Commiſſioners of Supply of the ſaid County, ſhall meet on the ſame Day and at the ſame Hour, within the ordinary Court Houſe of the ſaid County, and then and there elect the Four Commiſſioners to be nominated by them; and the Eight Perſons ſo elected ſhall be and continue Commiſſioners under this Act until the Day after the annual *Michaelmas* Meeting of the Freeholders of the ſaid County which ſhall be held in the Year One thouſand eight hundred and three, when a new Election of Eight Commiſſioners ſhall take place by the ſame Electors and in the ſame Way and at the ſame Places as the Eight then to go out of Office were elected as aforeſaid, and the new Commiſſioners ſhall continue in Office for Two Years, at the Expiration of which, and of every Second Year thereafter, a new Election ſhall take place and be made by the ſame Electors reſpectively in the ſame Manner, declaring that at every ſuch Election not more than the Half of thoſe who were Commiſſioners in the preceding Years, ſhall be capable of being re-elected for the Two ſucceeding Years.

Vacancy of Commiſſioners, how ſupplied.

III. And be it enacted, That in caſe of the Death, Reſignation, or Non-acceptance of any One or more of the Commiſſioners ſo elected, it ſhall be lawful to and for the ſaid Magiſtrates and Town Council, and to and for the ſaid Freeholders, Juſtices of the Peace, and Commiſſioners of Supply reſpectively, to meet and ſupply ſuch Vacancy or Vacancies by electing One or more Commiſſioners, in the Manner before directed, in the Place and Stead of the Perſon or Perſons ſo dying, reſigning, or not accepting; that is to ſay, if the Vacancy ſhall happen amongſt the Four Commiſſioners named by the Magiſtrates and Town Council, the ſame ſhall be ſupplied by them, and if it ſhall happen amongſt the Four Commiſſioners named by the Freeholders, Juſtices of the Peace, and Commiſſioners of Supply, the ſame ſhall be ſupplied by them.

First Meeting of the Commiſſioners.

IV. And be it enacted, That the ſaid Commiſſioners nominated by this Act, or elected as aforeſaid, or any Seven or more of them, who are hereby

hereby declared in all Caſes to be a *Quorum*, ſhall meet annually within the Common Court House of the County of *Aberdeen* upon the Third *Monday* of *October*, at Twelve of the Clock at Noon; the First Meeting being on the Third *Monday* of *October* after electing the Commiſſioners as aforeſaid, at which reſpective Meetings the ſaid Commiſſioners or *Quorum* of them aſſembled, ſhall elect a Præſes out of their Number, who ſhall have his own deliberative Vote, and alſo the caſting or deciding Vote in caſe of an Equality; and then they ſhall have full Power, and they are hereby authorized and required to elect Five out of the whole Number of Commiſſioners to be a Committee for the Year enſuing; and the ſaid Committee along with the Sheriff Depute, or in his Abſence the Sheriff Subſtitute of the County, and Provoſt of *Aberdeen* for the Time being, ſhall have Power to act in the ſame Way, with the like Powers as the whole Commiſſioners are authorized to do by this Act; and the ſaid Commiſſioners are hereby empowered at their Firſt Meeting to elect a Clerk, Treaſurer, and other Officers, with competent Salaries for their Trouble; and when an extraordinary Meeting of the Commiſſioners ſhall be deemed neceſſary, the ſame ſhall and may be called by an Advertiſement to be publiſhed in the *Aberdeen* Newſpapers at leaſt Ten Days before the Day of Meeting, ſpecifying therein the Place, Time, and Purpoſe of ſuch Meeting, and that it ſhall be lawful for any One of the Commiſſioners to call ſuch Meeting whenever he may think it expedient. Committee.

V. Provided always, and be it enacted, That Two out of the Five compoſing the annual Committee, ſhall be choſen from amongſt the Commiſſioners named by the Magiſtrates and Town Council, and Two ſhall be choſen from amongſt the Commiſſioners named by the Freeholders, Juſtices of the Peace, and Commiſſioners of Supply of the County; and the remaining One of the Committee ſhall be choſen for the Firſt Year by the Four elected Commiſſioners for the ſaid County out of the Four Commiſſioners named by the Magiſtrates and Town Council; and for the Second Year ſuch remaining Commiſſioner ſhall be choſen by the ſaid Magiſtrates and Town Council out of the Four Commiſſioners named by the Freeholders, Juſtices of the Peace, and Commiſſioners of Supply of the County; and ſo forth alternately, during the Continuance of this Act; and in caſe of the Death or Reſignation of any One or more of the Members of the ſaid annual Committee, ſuch Vacancy or Vacancies ſhall be ſupplied by an Election at a General Meeting of the Whole of the Commiſſioners to be called in Manner herein-after directed. Manner of electing the Committee.

VI. And be it enacted, That the Pariſh of *St. Fergus*, the Barony of *Fetter Angus* in the Pariſh of *Old Deer*, the Barony of *Gartly* in the Pariſh of *Gartly*, and the Lands of *Straloch* in the Pariſh of *New Machar*, which are all locally ſituated in the County of *Aberdeen*, though rated in the Ceſs Books of the County of *Banff*, ſhall nevertheleſs, for the Purpoſes of this Act, be underſtood to be Parts of the County of *Aberdeen*, and liable to a rateable Proportion of the Aſſeſſments hereby allowed to be impoſed. Certain Pariſhes to be accounted within the County of *Aberdeen* for the Purpoſe of this Act.

VII. And be it enacted, That the ſaid Commiſſioners, or the *Quorum* of them, or the Committee appointed as aforeſaid, ſhall be and they are hereby authorized and empowered to treat and agree with all Perſons intereſted Commiſſioners allowed to purchaſe Ground not exceeding Five Acres,

interested for the absolute Purchase of Ground situated within the Parish of *Old Machar* and Freedom and Liberties of the City of *Aberdeen* or elsewhere near the said City, for the Purpose of erecting thereupon a House of Correction for the Reception and Confinement of such Persons and Prisoners as by Law are liable to be committed to and confined in Houses of Correction, together with the different necessary and proper Buildings, Apartments, Yards, and Areas thereunto belonging, and the necessary Roads and Accesses thereto.

Commissioners to contract for building the House of Correction.

VIII. And be it enacted, That the said Commissioners shall, before beginning to build, or employing or contracting with any Person for that Purpose, procure a Plan of the proposed Building, and of all the accessary and necessary Erections and Accommodations to be made, and Estimates of the whole Expence, and the Plan and Estimate shall be approved of by the said Commissioners or *Quorum*, or a Majority of them or their Committee, at a Meeting called for that Purpose, by Advertisement in the *Aberdeen* Newspapers, inserted Ten Days at least before such Meeting is held; and thereafter the said Commissioners shall be at Liberty to contract with and employ such skilful and intelligent Persons as they think proper for building and compleating the said House of Correction, and the necessary Erections and Accommodations connected therewith, and for supplying the same with Water; but no such Contract or Agreement shall be made until Advertisements have been inserted Three Times in the Newspapers published at *Aberdeen*, and in One of the Newspapers published at *Edinburgh*, inviting Persons to give in Proposals for the Execution of the said Work, agreeably to the Plan approved of in Manner before directed; and the Sum to be paid to such Contractor or Contractors shall not exceed the Sums authorized by this Act to be borrowed for erecting the said House of Correction, with the other necessary Accommodations as aforesaid; and the Contractor or Contractors shall give ample and undoubted Security for the due and faithful Execution of the Work contracted for, agreeably to the said Plan, and to the Extent of the Sums specified in the Contract, under the Inspection and Superintendance of any Person or Persons to be appointed by the said Commissioners or their Committee, to which Superintendant or Superintendants, the said Commissioners, or their Committee, are hereby authorized to give suitable Allowances for their Trouble and Attendance, and to remove and change such Superintendants, as often as they shall see it necessary or expedient.

Materials for building vested in the Commissioners.

IX. And be it enacted, That all Materials for Building, of every Sort, for the Purpose of being made Use of for the said House of Correction, which are not the Property of their Agents or Contractors, shall be vested in the said Commissioners; and they, or their Committee, are hereby empowered to bring, or cause to be brought, any Action before any Court competent as accords, against any Person or Persons who shall steal, or take away, or receive, if stolen, any such Materials, or disturb the said Commissioners in the Possession thereof.

Separate Apartments to be provided for Male and Female Prisoners, *&c.*

X. And be it enacted, That in building the said House of Correction, the said Commissioners and their Committee shall pay regard to the following Particulars; *videlicet*, that there be a sufficient Number of Cells

Cells and Apartments conſtructed, ſo as to allow of a Separation by Day and Night of Male and Female Priſoners; and alſo Apartments adapted to Solitude and ſeparate Labour, and to a greater Degree of Reſtraint for refractory Priſoners; alſo a plain decent Room, as a Chapel for Divine Service; proper Apartments for a Governor, Governeſs, and Aſſiſtants; proper Yards or airing Places, ſeparate and diſtinct from each other, for different Claſſes of Priſoners; and in order, as far as may be, to prevent the Introduction of infectious Diſorders, there ſhall be provided a Lazaret or Ward, with ſeparate Cells, for the immediate Reception of Priſoners on their Commitment, until they be examined by a Surgeon or Apothecary; and that in or near ſuch Ward, proper Baths ſhall be provided for bathing Priſoners, and fit Places for cleaning and purifying their Cloaths, with proper Apartments as an Infirmary for Sick Priſoners.

Notice to be given to the Town and Juſtice of Peace Clerks when the Bridewell is finiſhed.

XI. And be it enacted, That when the ſaid Houſe of Correction ſhall be finiſhed, in Manner herein-before directed, and properly furniſhed for the Reception of the different Claſſes of Priſoners, Notice thereof under the Hands of Two of the Commiſſioners ſhall be given to the Town and Sheriff Clerks of *Aberdeen*, and the Clerk of the Peace for the ſaid County, and Notice thereof ſhall be given by Advertiſement in the *Aberdeen* and One of the *Edinburgh* Newſpapers.

After ſuch Notice Magiſtrates may commit.

XII. And be it enacted, That, after ſuch Notice, it ſhall be lawful for the Magiſtrates of *Aberdeen*, the Sheriff Depute and his Subſtitutes, and Juſtices of the Peace, for the County of *Aberdeen*, and alſo the Juſtices of the Peace of thoſe Parts and Pariſhes of the County of *Banff* in this Act mentioned, or the Judges of any other competent Court, and they, or any One or more of them, are hereby authorized to grant Warrants for committing Perſons from the ſaid City or Counties only to the ſaid Houſe of Correction, ſpecifying in ſuch Warrants the Cauſe of Commitment, the Term for which the Confinement is to continue, and the Puniſhment, with the Degree of Labour and Reſtraint, which the Perſon or Perſons committed ſhall be ſubjected to; and it ſhall be lawful to and in the Power of the ſaid Commiſſioners, to receive ſuch Perſons into the ſaid Houſe of Correction, and detain them therein, for and during the Periods of Time for which they ſhall be reſpectively committed, and to cauſe the Sentences againſt them to be carried into due Execution, and the ſaid Commiſſioners are hereby required to receive and detain them accordingly.

Magiſtrates of *Aberdeen*, and of the County, to commit equally to the Houſe of Correction.

XIII. Provided always, and be it enacted, That the Magiſtrates of the City of *Aberdeen* ſhall be entitled to commit to, and confine in the ſaid Houſe of Correction, One Half of the Number of Perſons which the ſaid Houſe can conveniently contain, and the Magiſtrates of the County the other Half, without Prejudice to the ſaid Magiſtrates of the City and County reſpectively committing Perſons beyond the ſaid Proportion in caſe the Houſe is not full at the Time; but when there are Offenders from the City and from the County committed and confined equal to the Number the ſaid Houſe can conveniently contain, the ſaid Proportion of One Half for the City and One Half for the County ſhall be obſerved; and the Commiſſioners ſhall make ſuch Rules and Regulations as may

appear from Time to Time to be neceſſary for aſcertaining and enforcing the due Obſervation of the ſaid Proportions.

Labour to be proportioned to the Age, Sex, and Health of the Priſoners.

XIV. And be it enacted, That the ſaid Commiſſioners and their Committee, ſhall pay particular Attention, that the Work and Employment of the Priſoners, ſhall be proportioned to and conſiſtent with the Sex, Age, Health, and Ability of each Individual; and that the Work in which they ſhall be employed be as little as poſſible liable to be ſpoiled by Ignorance, Obſtinacy, or Neglect; and where it is neceſſary to give previous Inſtruction, that proper Perſons be employed for that Purpoſe, to whom a ſuitable Gratification ſhall be given; and that the ſaid Priſoners, during the Hours of Labour, in caſe the Nature of their ſeveral Employments will permit, ſhall be kept ſeparate and apart from each other during the Day, and always ſo during the Night, and that Two or more of ſuch Priſoners ſhall not be allowed to continue together at any Time, except during their Hours of Labour when neceſſary, and the Time of Divine Worſhip, and the Times reſpectively allotted for their Meals and Airings, excepting always Caſes of Neceſſity, it being always underſtood that Male and Female Priſoners ſhall, at all Times and on all Occaſions, be kept ſeparate.

Commiſſioners allowed to make Bye-Laws and Orders for the Government of the Priſoners.

XV. And be it enacted, That it ſhall be in the Power of the Commiſſioners, and they are hereby required, from Time to Time, to make ſuch Bye-Laws, Rules, and Orders, as ſhall appear to them to be neceſſary, as to the receiving, ſeparating, claſſing, dieting, clothing, maintaining, employing, reforming, governing, managing, treating, chaſtiſing, and watching, of all Priſoners, during their reſpective Confinements in the ſaid Houſe of Correction: Provided always, that the ſaid Bye-Laws and Orders ſhall not be repugnant to, or inconſiſtent with the Law of the Land and general Regulations herein before preſcribed reſpecting the ſaid Priſoners; and that ſuch Bye-Laws and Orders ſhall be made by the ſaid Commiſſioners, or *Quorum* of them, regularly called, or by the Committee; and printed Copies thereof ſhall be affixed on ſome conſpicuous Parts of the ſaid Houſe of Correction, and renewed from Time to Time when neceſſary.

Governor and Governeſs to be appointed.

XVI. And be it enacted, That the ſaid Commiſſioners and their Committee ſhall have Power, and they are hereby authorized, to appoint a Governor and Governeſs, with a proper Number of Servants and Aſſiſtants under them, Male and Female, a Surgeon and Chaplain, for the Uſe of the ſaid Houſe of Correction, and alſo a Clerk and Collector, and all other neceſſary Officers, with competent and ſuitable Salaries to each, and with Power to them to remove the ſaid Governor, Governeſs, and other Perſons ſo employed, upon being ſatisfied at any Time that they are unfit for the Truſt repoſed in them, and to alter ſuch Salaries and Allowances, as Circumſtances or Exigencies may render expedient; and they are hereby required to be particularly attentive, that the Salaries and Allowances to the Governor, Governeſs, and other Servants under them, ſhall depend as much as poſſible upon, and be proportioned to the Quantity of Work done and performed by the Priſoners, ſo as it may become the Intereſt as well as the Duty of ſuch Governor, Governeſs, and other Servants, to take Care that all Perſons under their Care and Cuſtody be regularly and properly employed; and the ſaid Commiſſioners and their

Committee ſhall require the Governor, Governeſs, and other Perſons ſo employed, to give Security for Performance of their reſpective Duties, in caſe it ſhall appear to them neceſſary or expedient; and ſuch Governor, Governeſs, and others, in caſe of Negligence or Miſbehaviour in their reſpective Offices, may either be proceeded againſt by the Commiſſioners or their Committee, on the Security given, or may be fined and amerciated in a Sum not exceeding Five Pounds Sterling, nor under Forty Shillings Sterling, for each Inſtance of Neglect or Miſbehaviour, upon Complaint to the Judge Ordinary; the ſaid Fines to be recovered ſummarily by Diſtreſs and Sale, and to be applied for the Uſe of the Eſtabliſhment.

Puniſhing Perſons reſcuing Priſoners in Cuſtody, &c.

XVII. And be it enacted, That in caſe any Perſon or Perſons ſhall diſturb or hinder the Execution of this Act, or ſhall reſcue, or attempt to reſcue, any Perſon apprehended and in Cuſtody, in the Courſe of being conveyed to the ſaid Houſe of Correction, or ſhall be aiding and aſſiſting in ſuch Attempt or Reſcue; or if any Officer, Conſtable, or others, having in Charge any Perſon, in order to be conveyed to the ſaid Houſe of Correction, ſhall either permit the ſaid Perſon to make his Eſcape, or connive at the ſame, or if any Perſon whatever, after a Priſoner has been committed to the ſaid Houſe of Correction, ſhall ſupply Arms, Tools, or Inſtruments, or otherwiſe be in any Manner aiding or aſſiſting to any ſuch Priſoner in making his Eſcape, or in any Attempt to make the ſame, or ſhall attempt to reſcue any ſuch Priſoner when confined, or be any how aiding and aſſiſting in ſuch an Attempt; every Perſon ſo permitting, conniving, attempting, aiding, or any how aſſiſting, ſhall be liable to be proſecuted by the ſaid Commiſſioners, their Committee, or any Perſon appointed by them, or by the Procurator Fiſcal of the City or Shire of *Aberdeen*, before any competent Court, and, if convicted, to be puniſhed as the Law directs in ſimilar Caſes.

Juſtices to inſpect the Correction Houſe, &c.

XVIII. And be it enacted, That the Juſtices of the Peace in and for the ſaid City and County of *Aberdeen*, ſhall be empowered, and they are hereby required, each Year at their reſpective Quarter Seſſions, to appoint Two or more Juſtices of the ſaid City and County, perſonally to viſit and inſpect the ſaid Houſe of Correction, at leaſt Once in each Quarter of a Year, or oftener if Occaſion ſhall require; to examine into the State of the Buildings, the Behaviour and Conduct of the reſpective Officers and Servants, and the Treatment and Condition of the Priſoners, the Amount of their Earnings, and the Expences attending the ſaid Houſe of Correction; and the ſaid viſiting Juſtices, at every Quarter Seſſions of the Peace for the County of *Aberdeen*, ſhall make a Report in Writing of the State and Condition of the ſaid Houſe of Correction, and of all Abuſes or Omiſſions which may occur to their Obſervation therein; and the Præſes or Chairman of the ſaid Quarter Seſſions is hereby required to call upon the ſaid Viſitors for ſuch Quarterly Reports; and it ſhall be lawful for every Juſtice of the Peace, and for the Sheriff Depute and Subſtitute of the ſaid City and County of *Aberdeen*, of his own Accord, and without being appointed a Viſitor, to enter into the ſaid Houſe of Correction, and to examine the ſame at any Time during the Day, and as often as he ſhall think fit; and if he ſhall diſcover any Abuſes therein, he is hereby required to

report

report the ſame in Writing, at the next General Quarter Seſſions of the Peace for the ſaid City and County of *Aberdeen*; and when a Report of any Abuſes ſhall be made to the Quarter Seſſions as aforeſaid, either by the Juſtices appointed, or by voluntary Viſitors, if the Seſſions ſhall find the Complaints there made well founded, the Præſes or Chairman of the Seſſions to which ſuch Report ſhall be made, is hereby required immediately to intimate the ſame, together with the Determination of the Seſſions thereon, to the Commiſſioners or their Committee, for the ſaid Houſe of Correction, who are hereby required, without Loſs of Time to take the Subject of the ſaid Report under their Conſideration, and to adopt the moſt effectual Meaſures for remedying all ſuch Abuſes.

Governor and Governeſs not to derive Benefit from the Sale of Wine, *&c.* in the Houſe of Correction.

XIX. And be it further enacted, That neither the Governor or Governeſs of the ſaid Houſe of Correction, nor any Perſons under them or employed by them, or by the ſaid Commiſſioners or their Committee, ſhall have any Benefit or Advantage, directly or indirectly, from the Sale of any Wine, Beer, Ale, or other Liquors, that ſhall be uſed in ſuch Houſe of Correction, nor from any other Article whatever that ſhall be brought within the ſame, either for the Employment or Conſumption of the Priſoners therein confined, without Prejudice to their Emoluments and Salaries being made proportioned to and dependant upon the Work performed in Manner as herein-before directed.

Accounts to be kept of Priſoners Work.

XX. And be it further enacted, That a regular Account ſhall be kept of the Work performed by every Priſoner, and the Profits therefrom ariſing; which Profits, after deducting the Maintenance, Cloathing, and every other Expence attending ſuch Priſoner, the annual Committee ſhall have full Power, from Time to Time, to order to be paid to his or her Wife or Huſband, or for Behoof of his or her Family; and in every Caſe, where there ſhall be neither Wife nor Family to receive them, or in ſo far as they ſhall not have been paid to ſuch Wife or Family, the ſaid Profits ſhall be divided into Three Parts; One of which ſhall be given to the Priſoner upon his or her Diſmiſſion, either in Caſh or uſeful Articles, as he or ſhe inclines; another Third in Six Months after, upon his or her producing an authentic Certificate, under the Hand of One of His Majeſty's Juſtices of the Peace, that he or ſhe has been honeſtly and induſtriouſly employed ſince his or her Diſmiſſion; and the Payment of the laſt Third, at Twelve Months after his or her Diſmiſſion, upon producing a like Certificate: Provided always, that no ſuch Money ſhall be paid to ſuch Perſon, unleſs the Commiſſioners or their Committee, ſhall after due Enquiry into the Conduct of ſuch Perſon, be of Opinion that he or ſhe, on Account of good Behaviour, is entitled to the Whole of the ſaid Profits of Labour; and if they ſhall be of Opinion that the Priſoner is only entitled, on Account of Behaviour, to a Portion of theſe Profits, then ſuch Portion only ſhall be divided into three Parts, and be paid in Manner and upon the Conditions herein-before mentioned.

Puniſhing Perſons embezzling the Furniture, Clothes, *etc.* of the Priſoners.

XXI. And be it further enacted, That if any Perſon or Perſons ſhall knowingly buy, ſecrete, receive into Pawn, or pawn any of the Furniture, Utenſils, Proviſions, Clothing, or Materials of or belonging to

to the ſaid Houſe of Correction, or to any of the Priſoners therein, or any Goods and Materials carried into the ſaid Houſe of Correction, or into any other Houſe or Place in order to be wrought up, manufactured, or uſed by the Priſoners; the Perſon or Perſons ſo offending, and being thereof convicted, by his, her, or their Confeſſions, or by the Oath of any One or more credible Witneſs or Witneſſes, before the Magiſtrates of *Aberdeen*, the Sheriff Depute of the County of *Aberdeen* or his Subſtiture, or any Juſtice or Juſtices of the Peace for the ſaid City or County, ſhall, for every ſuch Offence, be liable to a Fine, not exceeding Five Pounds nor leſs than Forty Shillings Sterling; the ſame to be levied by Diſtreſs and Sale, by a Warrant under the Hands of the ſaid Magiſtrates, Sheriffs, or Juſtices reſpectively, before whom they ſhall be convicted; and in caſe no Effects can be found to diſtrain, the Offender or Offenders ſhall be committed to hard Labour in the ſaid Houſe of Correction, for any Term, not leſs than Three Calendar Months, and not exceeding Six Calendar Months, for the Firſt Offence; and for the Second, for any Term not leſs than Six Calendar Months, nor more than One Year, and for other repeated Offences by the ſame Perſons, in Proportion as above.

Books to be kept of Expences and Receipts.

XXII. And be it enacted, That regular Books ſhall be kept of every Expence, Receipt, and Expenditure relative to the ſaid Houſe of Correction, which Books ſhall be regularly brought to a Balance, under the Direction and Inſpection of the ſaid Commiſſioners and their Committee, on the Firſt *Monday* of *September* in each Year, and Copies of which they are hereby required to tranſmit, properly authenticated under the Hands of Two or more of them, to the Town and Sheriff Clerks of *Aberdeen*, and to the Clerk of the Peace for the County of *Aberdeen*, ſome Time in the Month of *November*, after the Accounts are ſo balanced; which Accounts the Town Clerk of the ſaid City is hereby required forthwith to lay before the Town Council of *Aberdeen*, and the Clerk of the Peace and Supply of the ſaid County, to lay before the next Quarter Seſſions of the Peace, after they ſhall be tranſmitted, at which Quarter Seſſions the Juſtices ſhall take the ſame into Conſideration, and finally determine in whatever reſpects the Regulation, Management, and Economy of the ſaid Houſe of Correction.

Wine or Liquor not to be ſold within the Houſe of Correction.

XXIII. And be it further enacted, That no Wine, or Liquors of any Sort, ſhall be ſold within the ſaid Houſe of Correction, and that no Spirituous Liquors ſhall be admitted there, or given to the Priſoners, unleſs by Orders of the Surgeon, by way of Medicine to the ſaid Priſoners.

Commiſſioners allowed to borrow Money not exceeding 7000 *l.* Sterling.

XXIV. And be it enacted, That the ſaid Commiſſioners, or their Committee, ſhall have Power, and they are hereby authorized to borrow and take up at Intereſt, on Security of the Rates and Aſſeſſments hereinafter allowed to be impoſed, ſuch Sum or Sums of Money as they ſhall judge requiſite for defraying the Expence of erecting the ſaid Houſe of Correction, and other neceſſary Accommodations connected therewith; getting Plans and Eſtimates, and purchaſing the Ground on which the ſame is to be built, with every other Expence attending the paſſing of this Act, and carrying the ſame into Execution: Provided, that the whole Amount of the Money ſo allowed to be borrowed ſhall not

not exceed the Sum of Seven thouſand Pounds Sterling; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered to aſſign and make over the Whole or any Part of the Rates and Aſſeſſments herein-after directed to be impoſed, to any Perſon or Perſons from whom the Sums of Money as aforeſaid ſhall be borrowed, in Security to them for Payment thereof, and Intereſt ariſing thereon, at a Rate not exceeding Five Pounds *per Centum per Annum*; and ſuch Aſſignments, in Security for Money to be borrowed as aforeſaid, ſhall be entered in a Book to be kept by the ſaid Commiſſioners, or their Committee, which Book may be ſeen and peruſed by any Perſon or Perſons anyways intereſted therein without Fee or Reward; and the Aſſignments in Security to be granted by the ſaid Commiſſioners, for the Purpoſes aforeſaid, ſhall be transferrable by Indorſement, duly ſubſcribed by the Party transferring, in the Preſence of One or more ſubſcribing Witneſs or Witneſſes: Provided always, that the ſaid Commiſſioners, or ſuch Perſons as they may appoint to receive the Money ſo to be borrowed as aforeſaid, ſhall not be perſonally ſubject to pay the ſame by reaſon of their ſigning ſuch Bonds and Aſſignments as before directed.

Aſſeſſments to be raiſed for defraying Intereſt of borrowed Money and the annual Expence of the Houſe of Correction.

XXV. And be it further enacted, That it ſhall be lawful to the Magiſtrates of the ſaid City of *Aberdeen*, and the Commiſſioners of Supply of the ſaid County reſpectively, and they are hereby authorized and required, at a General Meeting to be called by them on the Firſt *Monday* of *June*, immediately after the ſaid Houſe of Correction is completely finiſhed, and an Account of the whole Expence thereof made up and aſcertained in Manner as herein-after directed, upon Twenty Days previous Notice in the *Aberdeen* Newſpaper, to cauſe to be levied and aſſeſſed ſuch an yearly Sum as the Commiſſioners by this Act appointed ſhall judge neceſſary for paying the Intereſt of Money to be borrowed, and for the gradual Extinction of the original Debt hereby authorized to be contracted as aforeſaid, and defraying the whole annual Expences of the ſaid Houſe of Correction as aforeſaid, and to impoſe and levy, or cauſe to be levied, the like Aſſeſſment, or to encreaſe or diminiſh the ſame as Circumſtances may require annually thereafter, not exceeding the Proportions and Rates hereby allowed, and that in Manner and by the Proportions following (to wit), One Half of the ſaid annual Expence from the ſaid County of *Aberdeen*, and thoſe Parts of the ſaid County of *Banff* in this Act mentioned, by an Aſſeſſment upon all Heritors of Lands and Fiſhings within the ſame, valued in the Ceſs Books of the ſaid Counties, ſuch Aſſeſſment not exceeding Five Shillings Sterling on each Hundred Pounds *Scots* of valued Rent, and the other Half of the ſaid Expence from the City of *Aberdeen*, by an Aſſeſſment to be impoſed by the Magiſtrates thereof, not only upon the Proprietors and Occupiers of all Lands, Borough Roods, Fiſhings, and others, within the ſaid City, Royalty, and Freedom thereof, and that proportionally according to the reſpective Rents at which the ſaid Lands, Borough Roods, Fiſhings, and others, ſhall ſtand charged for the Time in the Tax Roll of the Borough, by which the King's Subſidy payable therefrom is levied and collected, ſuch Aſſeſſment not exceeding One Penny Sterling on each Pound Sterling of Rent; but alſo upon the whole Occupiers and Poſſeſſors, whether Heritors or Tenants, of all Houſes, Shops, Cellars, Warehouſes, and other Buildings, within the ſaid City and Royalty, rented at or above One Pound Five

Shillings Sterling yearly, and now liable in Payment to the Rates and Aſſeſſments impoſed by an Act paſſed in the Thirty-fifth Year of His preſent Majeſty's Reign, intituled, *An Act for the better paving, lighting, cleanſing, and otherwiſe improving the Streets, Lanes, and other publick Paſſages, of the City of* Aberdeen, *and the Roads and Avenues within the Royalty thereof; and for better ſupplying the Inhabitants with freſh Water; and for the removing and preventing all Obſtructions and Annoyances within the ſaid City and Royalty*; and the Commiſſioners appointed by the ſaid Act of the Thirty-fifth Year of His preſent Majeſty's Reign, or by any other future Act which may paſs for regulating the Police of the ſaid City, ſhall be obliged, and they are hereby required to give in and deliver to the Commiſſioners acting under this Act, in the Month of *September* yearly, a certified Copy of the Rent Roll annually made up by them, of all the Dwelling Houſes, Shops, Cellars, Warehouſes, and other Buildings, within the ſaid City and Royalty, with the Names and Deſignations of the Occupiers and Poſſeſſors thereof, and which Rent Roll ſhall be, and is hereby declared to be the Rule for aſcertaining, impoſing, and collecting the Aſſeſſment as herein-after directed to be laid upon the Dwelling Houſes and others aforeſaid within the ſaid City and Royalty; and in order to make up the Proportion of the ſaid annual Expence to be paid from the City of *Aberdeen*, the Magiſtrates thereof ſhall alſo have Power, and they are hereby ſpecially authorized to impoſe and levy an Aſſeſſment for the Purpoſes of this Act, from the Inhabitants of all other Houſes within any other Royal Burgh, Town, or Village in the ſaid County of *Aberdeen*, and thoſe Parts of the County of *Banff* mentioned in this Act, rented at above Five Pounds Sterling, not having any profitable or cultivated Land (except a Garden) annexed thereto, and liable in Payment of the Duty upon Houſes granted by an Act made in the Thirty-eighth Year of the Reign of His preſent Majeſty, and that proportionally, according to the reſpective Rents for which the Inhabitants of the ſaid Houſes are charged with the ſaid Duty; and the Surveyors of the ſaid Duties for the ſaid Counties of *Aberdeen* and *Banff* are hereby directed and required to furniſh the Commiſſioners by this Act appointed, or their Committee, in the Month of *September* yearly, with a certified Liſt of all the Houſes within every Royal Burgh, Town, and Village in the ſaid County of *Aberdeen*, liable to be aſſeſſed by the ſaid Magiſtrates of *Aberdeen*, and thoſe Parts of *Banffſhire* in this Act mentioned (excepting always ſuch Houſes as are ſituated within the Royalty and Freedom of the City of *Aberdeen*, the Rents of which are to be aſcertained in Manner as herein-before directed); and the Liſts to be furniſhed by the Surveyors of the ſaid Duties as before directed ſhall be the Rule for aſcertaining, impoſing, and collecting the Rates and Aſſeſſments as herein-after directed to be levied from every Royal Burgh, Town, and Village within the ſaid County of *Aberdeen* and Part of *Banffſhire* as aforeſaid, excepting the City of *Aberdeen* as aforeſaid: Provided always, that the Aſſeſſment as herein-before allowed to be impoſed by the ſaid Magiſtrates of *Aberdeen* upon all the Houſes within the ſaid City and Royalty, and others within the ſaid County of *Aberdeen* and Part of *Banffſhire* as aforeſaid particularly above mentioned, ſhall not exceed Four-pence Sterling on each Pound Sterling of yearly Rent, to be aſcertained in Manner as before directed: And provided alſo, that no Part of the Aſſeſſment or Funds to be raiſed under this Act ſhall be applicable to any Expence incurred in apprehending or tranſmitting any Perſon to be confined in the ſaid Houſe of Correction.

XXVI. And

Aſſeſſments to be collected by the Collectors of the Town and Land Tax.

XXVI. And be it further enacted, That the aforeſaid yearly Aſſeſſments, appointed to be raiſed in Manner as herein-before directed, from the ſaid City of *Aberdeen*, and the other Royal Burghs, Towns, and Villages, within the Counties of *Aberdeen* and *Banff*, ſhall be levied and collected by the Collector of the Land Tax for the ſaid City of *Aberdeen*, and the Aſſeſſment from the ſaid County of *Aberdeen* and Part of *Banff*, by the Collector of the Land Tax of the ſaid County of *Aberdeen*, and that from all Perſons, whoſe Lands ſtand valued in the Ceſs Books of the ſaid Counties, by the like Proceſs, and with the ſame Powers and Penalties, as the ſaid Collector is or was by Law entitled to collect and levy the Town and County Land Tax; and which Monies ſo to be levied, the aforeſaid Collectors are hereby directed and required to pay over annually to the aforeſaid Commiſſioners, or ſuch Perſon or Perſons as they may appoint to receive the ſame.

Sinking Fund for extinguiſhing the Money borrowed, *etc.*

XXVII. Provided always, That in the Event of the Money to be aſſeſſed and levied in any One Year, being more than ſufficient to pay the Intereſt of ſuch Sum or Sums of Money as may be borrowed by the ſaid Commiſſioners, to the Extent as herein-before allowed, and defraying the neceſſary annual Expence of the ſaid Houſe of Correction, the Reſidue or Balance remaining in the Hands of the Collector, to be appointed by the ſaid Commiſſioners, including any Arrear due to him, or in the Hands of any other Perſon or Perſons to whom it may happen to be paid by Order of the ſaid Commiſſioners, ſhall be ſettled and laid out, on proper Security, as a ſinking Fund for extinguiſhing and paying off the original Debt to be contracted by the ſaid Commiſſioners as aforeſaid; and after the ſaid Debt is extinguiſhed, in caſe the yearly Aſſeſſment ſhall ſtill exceed the annual Expence of the ſaid Houſe of Correction, then and in that Caſe, the Reſidue or Balance remaining in the Hands of the Commiſſioners, or their Collectors as aforeſaid, ſhall be applied towards the aforeſaid Expence, for the Year then next enſuing; in which Year it ſhall be in the Power of the ſaid Commiſſioners to diminiſh the former Rate of Aſſeſſment in ſuch Proportion as they may judge neceſſary, or to continue the Aſſeſſment, and from the Proceeds thereof to extend the Eſtabliſhment, and enlarge the Building for the Reception of a greater Number of Priſoners; and in no Caſe ſhall any Part of the Money to be aſſeſſed and collected be applied to any other Uſe or Purpoſe whatever, than what is hereby directed and allowed.

Proprietors entitled to Relief and Repayment of the Aſſeſſment from their Tenants.

XXVIII. And be it further enacted, That all Heritors or Proprietors who ſhall have paid the Aſſeſſment to be impoſed in Manner as herein-before directed, ſhall be entitled to Relief and Repayment from the actual Tenants and Poſſeſſors of Three Fourth Parts of ſuch Aſſeſſment, each Poſſeſſor for paying a Sum correſponding to the real Rent of his Poſſeſſion; or in caſe the Lands ſo occupied by different Perſons, be valued *in cumulo*, a Sum bearing the ſame Proportion to the Aſſeſſment payable for the whole Lands, as the real Rent or Value of each Poſſeſſion bears to the real Rent or Value of the whole, a juſt Share of the ſaid Three Fourths being always laid upon Lands in the natural Poſſeſſion of the Proprietors; and the like Action and Execution ſhall be competent to ſuch Heritors or Proprietors, for the Relief and Repayment of the ſaid Aſſeſſment, as by Law is competent to them, for the Payment and Recovery of their Rents;

and

and such Relief shall also be competent in all Cases where an Occupier or Tenant is, by Lease or Agreement, exempted from the Payment of all publick Burdens, unless the Assessments imposed by this Act be expressly included in such Exemption.

Commissioners may sue and be sued in Name of their Clerk.

XXIX. And be it further enacted, That the said Commissioners or their Committee may sue or be sued for any Thing done or ordered by them, in the Name of the Clerk who shall be appointed by them.

Account of the whole Expence of the Bridewell to be made out and attested by the Commissioners.

XXX. And be it further enacted, That when the said House of Correction shall be finished, fitted up, and furnished, with all necessary Accommodations as before described, an accurate Account of the whole Expence laid out, shall be made up and attested by Six of the Commissioners or their Committee, which Account, with the Books, Papers, Receipts, and other Writings and Vouchers, Plans, Drawings, and Designs, relative to the Execution of the Building, shall be deposited with the Town Clerk of *Aberdeen*, for which a Receipt shall be given by him to the said Commissioners or their Committee; and a Copy of which Account, after its being authenticated, and previous to its being transmitted to the Town Clerk as before mentioned, shall be sent to the Clerk of the Peace of the County of *Aberdeen*.

Confinement not to give a legal Settlement.

XXXI. And be it enacted, That no legal Residence shall be understood to be acquired by Persons confined in the said House of Correction for the Space of Three Years, or any shorter or longer Period; and that they shall not by virtue thereof have any Claim to the Poor's Funds of the Parish where the said House of Correction is erected, or under that Pretence become a Burthen upon the same.

Money to be lodged in one or other of the *Aberdeen* Banks.

XXXII. And be it enacted, That the said Commissioners, or their Committee, shall lodge all and every Sum which they shall receive on Account of the said House of Correction, in One or other of the Banks in *Aberdeen*.

Assessment on Houses of One Penny for Rogue Money within the City.

XXXIII. And whereas, through the Want of any Fund for defraying the Charges of apprehending and prosecuting Criminals, Rogues, and Vagabonds, found within the said City of *Aberdeen* and Liberties thereof, and for subsisting them after being apprehended, it frequently happens that such Criminals and other Offenders escape the Punishments due to their Offences, to the great Prejudice and Interruption in the Execution of so important a Branch of the publick Police; for preventing of which in Time coming, be it enacted, That it shall and may be lawful to and for the Magistrates of the said City of *Aberdeen*, and their Successors, and they are hereby authorized and empowered annually to tax and assess, or cause to be taxed and assessed, by such and so many Stent Masters as they shall think proper to appoint, the Proprietors, Tenants, and Occupiers of all Lands, Burgh Roods, Fishings, and other Heritages within the said City and Freedom, and Liberties thereof, in One Halfpenny Sterling, of the real Rent of all such Lands, Burgh Roods, and Fishings; and also the whole Occupiers and Possessors, whether Heritors or Tenants, of all Houses, Shops, Cellars, Warehouses, and other Buildings within the said City itself, and Royalty thereof, rented at or above One Pound Five Shillings Sterling yearly, in One Penny Sterling, on each Pound Sterling of the real Rent of all such Houses, Shops, and other Buildings, and that proportionally

portionally according to the ſeveral Rents at which the ſaid Lands, Burgh Roods, and Fiſhings, ſhall ſtand reſpectively charged for the Time in the Tax Roll of the ſaid City, for their Proportion of the King's Subſidy, and alſo according as the ſaid Houſes, Shops, and other Buildings within the ſaid City and Royalty, ſhall be rated and charged by the Commiſſioners of Police for the Police Tax of the ſaid City, under the preſent or any future Act of Parliament to be obtained for the Regulation and Improvement of the ſaid Police; and the Commiſſioners of Police of the ſaid City, appointed by the preſent or any future Act of Parliament before mentioned, ſhall be obliged, and they are hereby required to give in and deliver to the ſaid Magiſtrates of *Aberdeen* for the Time, in the Month of *September* yearly, a certified Copy of the Police Rent Roll annually made up by them, of all the ſaid Dwelling Houſes, Shops, Cellars, Warehouſes, and other Buildings, within the ſaid City and Royalty, with the Names and Deſignations of the Occupiers and Poſſeſſors thereof, according to which Rent Roll the aforeſaid Aſſeſſment of One Penny Sterling on each Pound Sterling of the Rent thereof, ſhall be aſcertained and impoſed as aforeſaid; and which ſeveral Aſſeſſments ſhall be levied, collected, and accounted for along with the other Taxes, payable within the ſaid City and Liberties, by ſuch Perſon or Perſons and in ſuch Manner as the ſaid Magiſtrates ſhall from Time to Time appoint.

XXXIV. Provided always, That the ſaid Aſſeſſments, after being ſo impoſed and levied, ſhall be applied to the ſpecial Purpoſe of defraying the Charges of apprehending and proſecuting of Criminals, Rogues, and Vagabonds, who ſhall happen to be found within the ſaid City and Liberties, and for ſubſiſting them in Priſon, after being ſo apprehended, and to and for no other Purpoſe whatſoever.

Limitation of Actions.

XXXV. And be it further enacted, That all Actions, Suits, and Proſecutions, to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or for any Offence committed againſt the ſame, ſhall be brought within Six Calendar Months after the Fact is committed and not afterwards.

Expences of this Act to be paid.

XXXVI. And be it enacted, That the Expence of obtaining and paſſing this Act ſhall be paid out of the firſt Money to be raiſed and levied as aforeſaid.

Publick Act.

XXXVII. And be it enacted, That this Act ſhall be deemed a publick Act, and be taken Notice of as ſuch in all Courts, and by all Perſons whomſoever, without ſpecially pleading the ſame.

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