ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 97.

An Act for the Relief of Poor Debtors, and others, confined within the Gaol of *Dover* Caſtle.

[17th *June* 1814.]

WHEREAS there is within the Caſtle of *Dover* a common Gaol or Priſon for the ſafe Cuſtody and Confinement of all Perſons arreſted or detained for Debt, or on any Civil Proceſs within and throughout the Cinque Ports, the Two ancient Towns of *Rye* and *Winchelſea*, and the Liberties, Limbs, and Members thereof, and there is no public Proviſion for the Maintenance and Support of the Perſons who are or may be confined within the ſaid Gaol or Priſon, by reaſon whereof many of ſuch Perſons have experienced great Diſtreſs, and would be in Danger of being reduced to Famine, but for the uncertain and precarious Aſſiſtance of private Benevolence; and it is expedient that an adequate Fund ſhould in future be raiſed for their Relief; be it therefore 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 from and after the paſſing of this Act, there ſhall be annually raiſed within the Cinque Ports, the Two ancient Towns of *Winchelſea* and *Rye*, and the Liberties, Limbs, and Members thereof, for the Uſe of the Priſoners confined within the ſaid Gaol or Priſon, the Sum of Three hundred Pounds, in the Manner and Proportions after mentioned; that is to ſay, within and from and out of the Town and Port of *Haſtings*, and the Liberties, Limbs, and Members thereof (except within and from and out

Deſcribing the Sum of 300l. to be annually raiſed, and Apportionment thereof.

out of the Jurisdiction of the Corporation of *Pevensey*, and the Jurisdiction of the Corporation of *Seaford*), the Sum of Twenty Pounds Eighteen Shillings and Nine-pence; and within and from and out of the Jurisdiction of the Corporation of *Pevensey*, the Sum of Four Pounds Thirteen Shillings and Nine-pence; and within and from and out of the Jurisdiction of *Seaford*, the Sum of Five Pounds; and within and from and out of the Town and Port of *Romney*, and the Liberties, Limbs, and Members thereof, (except within and from and out of the Jurisdiction of the Corporation of *Lydd*,) the Sum of Five Pounds; and within and from and out of the Jurisdiction of the Corporation of *Lydd*, the Sum of Seven Pounds Ten Shillings; and within and from and out of the Town and Port of *Dover*, and the Liberties, Limbs, and Members thereof (except within and from and out of the Jurisdiction of the Corporation of *Folkestone*, and the Jurisdiction of the Corporation of *Faversham*), the Sum of Ninety-three Pounds Fifteen Shillings; and within and from and out of the Jurisdiction of the Corporation of *Folkestone*, the Sum of Eighteen Pounds Fifteen Shillings; and within and from and out of the Jurisdiction of the Corporation of *Faversham*, the Sum of Eighteen Pounds Fifteen Shillings; and within and from and out of the Town and Port of *Sandwich*, and the Liberties, Limbs, and Members thereof, (except within and from and out of the Jurisdiction of the Corporation of *Fordwich*, and within and from and out of the Jurisdiction of the Corporation of *Deal*) the Sum of Forty-one Pounds Five Shillings; and within and from and out of the Jurisdiction of the Corporation of *Fordwich*, the Sum of One Pound Five Shillings; and within and from and out of the Jurisdiction of the Corporation of *Deal*, the Sum of Thirty-five Pounds Eighteeen Shillings and Nine-pence; and within and from and out of the Town and Port of *Hythe*, and the Liberties, Limbs, and Members thereof, the Sum of Eleven Pounds Five Shillings; and within and from and out of the ancient Town of *Winchelsea*, and the Liberties, Limbs, and Members thereof, the Sum of Three Pounds Eight Shillings and Nine-pence; and within and from and out of the ancient Town of *Rye*, and the Liberties, Limbs, and Members thereof (except within and from and out of the Jurisdiction of the Corporation of *Tenterden*), the Sum of Thirteen Pounds Fifteen Shillings; and within and from and out of the Jurisdiction of the Corporation of *Tenterden*, the Sum of Eighteen Pounds Fifteen Shillings.

Directing Mayors, &c. to pay Sums raised to the Register.

II. And be it further enacted, That the said several Sums so as aforesaid directed to be raised within and from and out of the several Towns, Ports, and their Liberties, Limbs, and Members, and within and from and out of the several Jurisdictions aforesaid, shall be annually raised, and be payable and be paid by the respective Mayors, Bailiffs, or other Head Officers of the said Towns and Ports, and the said Jurisdictions, on the Fifth Day of *July* in each Year; and the First Payment thereof to be made on the Fifth Day of *July* next after the passing of this Act, to the Register of the Cinque Ports for the Time being, for the Use of the Prisoners confined within the said Gaol or Prison.

Directing by whom the apportioned Sums shall be paid, and to whom, and

III. And be it further enacted, That the Mayors, Bailiffs, and other Head Officers aforesaid, may respectively, and he and they is and are hereby authorized and empowered to pay or cause to be paid the Sums hereby directed to be paid by such Mayors, Bailiffs, or other Head Officers, from and out of any Rate which shall or may exist, or be raised or made within

within and from and out of any Town and Port or Jurisdiction, of which he or they is or are Mayor, Bailiff, or other Head Officer respectively, for the public Use, or to defray the public Burthens or Expenses of such Town and Port or Jurisdiction respectively, under or by virtue of any Usage or Prescription within or Charter granted to the said Cinque Ports, Two ancient Towns, and the Liberties, Limbs, and Members thereof, or any of such Towns and Ports or Jurisdictions aforesaid; and that when no such Rate is or shall be made and exist within any such Town and Port or Jurisdiction, it shall and may be lawful for the Mayor, Bailiff, or other Head Officer thereof, and he and they are and is hereby required to take Order for duly rating and assessing, on the several Parishes, Townships, Hamlets, and Vills, within his and their respective Jurisdictions, according to the Number of the Population of the said respective Parishes, Townships, Hamlets, and Vills, as the same is set forth in the Return of the Population, made under the Authority of an Act of Parliament made and passed in the Fifty-first Year of His present Majesty's Reign, intituled *An Act for the taking an Account of the Population of* Great Britain, *and of the Increase and Diminution thereof*, in all Cases where any such Return was made, and where no such Return was made, according to an actual Enumeration thereof, their just Proportion of the Sum so as aforesaid directed to be paid by such Mayor, Bailiff, or other Head Officer as aforesaid; and the Sum so assessed and rated on such Parishes, Townships, Hamlets, or Vills, shall be yearly and every Year paid and payable by the Churchwardens and Overseers of the Poor of such Parishes, Townships, Hamlets, and Vills respectively, on the Fifth Day of *June* in every Year; and the first Payment thereof to be made on the Fifth Day of *June* next after the passing of this Act, to such Mayor, Bailiff, or other Head Officer of the Town or Port or Jurisdiction within which such Parish, Townships, Hamlet or Vill shall be situate, out of the Rate made and to be made for the Relief of the Poor within such Parish, Townships, Hamlet or Vill; and in case there is or shall be no Poor Rate made for the Relief of the Poor within any such Parish, Townships, Hamlet or Vill, the Sum so rated and assessed on such Parish, Townships, Hamlet or Vill, shall be raised within the same, and paid over to such Mayor, Bailiff, or other Head Officer, on such Fifth Days of *June* respectively as aforesaid, appointed for the Payment thereof, by the Constable or other Peace Officer appointed or to be appointed by such Mayor, Bailiff, or other Head Officer, and which Constable or other Peace Officer, such Mayor, Bailiff, or other Head Officer is hereby authorized and empowered to appoint, and the same shall be raised within such Parish, Townships, Hamlet, or Vill, by such Constable or Peace Officer, by an equal Rate on the respective Occupiers of any Messuages, Tithes, Woods, Lands, Tenements, and other Hereditaments, and on the Owners of any Goods and Chattels within such Parish, Townships, Hamlet or Vill, in such and the same Manner, and with the same Remedies for Recovery thereof, as any Churchwardens or Overseers of the Poor have for the Recovery of any Rate legally made for the Relief of the Poor, within any Parish, Townships, Hamlet or Vill, within the Dominion of *England*. how the same shall be raised.

IV. And be it hereby further enacted, That if any Mayor, Bailiff, or other Head Officer of any such Town and Port or Jurisdiction aforesaid, or any Churchwarden, Overseer, Constable, or other Peace Officer aforesaid, shall neglect or omit to pay, or cause to be paid to the Person to whom the Parties omitting to pay, liable to Action for double Amount.

the ſame ought, under the Proviſions of this Act, to be paid any Sum hereby directed to be paid by ſuch Mayor, Bailiff, or other Head Officer, Churchwarden, Overſeer, Conſtable, or other Peace Officer, for the Space of Ten Days after the Times hereby appointed for the Payment thereof, and the ſame ſhall have been legally demanded, he, ſhe, or they ſo making Default, ſhall be and is and are hereby reſpectively rendered liable to an Action of Debt, at the Suit of the Perſon to whom the ſame is hereby appointed to be paid as aforeſaid, for Double the Amount of the Sum, in the Payment whereof he, ſhe, or they ſhall ſo have made Default as aforeſaid; and the ſame when recovered in ſuch Action, together with full Coſts of Suit, ſhall be raiſed and levied in the uſual Manner out of the proper Goods and Chattels of the Mayor, Bailiff, or other Head Officer, Churchwarden, Overſeer, Conſtable, or other Peace Officer, ſo making Default, who ſhall not be reimburſed the ſame out of any other Funds whatſoever; and the ſame when recovered, ſhall be paid and applied for the Uſe of the Priſoners confined in the ſaid Gaol or Priſon, according to the Proviſions of this Act: Provided always, That all and every Sum and Sums of Money made payable under the Authority of this Act, not exceeding the Sum of Ten Pounds, which ſhall not be paid within Ten Days after the ſame ſhall be due, and have been demanded, may be raiſed and levied by Warrant of Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons by and from whom the ſame are due and payable, whereſoever the ſame may be found within the ſaid Cinque Ports, Two ancient Towns, and the Liberties, Limbs, and Members thereof, under the Hand and Seal of any Mayor, Bailiff or Jurat of any of the ſaid Ports and Towns or Juriſdictions aforeſaid, or any Juſtice of the Peace acting for the Liberties of the *Cinque Ports*; and which Warrant he and they is and are hereby authorized and empowered to grant, upon Complaint, and due Proof on Oath, to his or their Satisfaction, that ſuch Sum is ſo due, and hath been demanded, and hath not been paid; and which Oath he and they is and are hereby authorized and empowered to adminiſter; and which Warrant when ſo iſſued and granted by any ſuch Mayor, Bailiff, Jurat or Juſtice, ſhall be a good and ſufficient Warrant within and throughout the Whole of the ſaid Cinque Ports, Two ancient Towns, and the Liberties, Limbs, and Members thereof, although in other Caſes the Juriſdiction of the Perſon granting and iſſuing the ſame may not extend to the Whole of the ſaid Cinque Ports, ancient Towns, and the Liberties, Limbs, and Members thereof.

Sums under 10l. may be recovered in a ſummary Way.

Aſcertaining the Relief, and by whom to be ordered.

V. And be it further enacted, That it ſhall and may be lawful for any Mayor, Bailiff, or other Head Officer, or any Jurat of any of the Towns and Ports or Juriſdictions aforeſaid, or for any Juſtice of the Peace acting for the Liberty of the Cinque Ports, upon the Application of the Boder or Keeper of the ſaid Gaol or Priſon, or of any Priſoner actually confined within the ſame; and upon Proof made on the Oath of ſuch Boder or Keeper, or ſuch Priſoner, which Oath every ſuch Mayor, Bailiff, or other Head Officer, Jurat and Juſtice, is hereby authorized to adminiſter within each of their reſpective Juriſdictions, or within the ſaid Priſon, or the Houſe or Apartments of ſuch Boder or Keeper, or other ſufficient Proof to the Satisfaction of ſuch Mayor, Bailiff, or other Head Officer, Jurat or Juſtice, that there is not ſufficient Bedding for the Uſe of the Priſoners confined therein, or that any Priſoner confined therein is in Want of any Bedding,

or

or of Medical Advice or Medicines; and that such Prisoner hath not sufficient Ability to procure for himself or herself such Bedding, Medical Advice or Medicines, or sufficient Food for his or her Sustenance, to order and direct such Boder or Keeper to provide a Straw Bed or Palliass, Two Blankets, and One Rug, for the Use of such Prisoner, while he or she shall be actually confined therein; and also to provide and deliver to each of the Prisoners during the Time such Prisoners shall be actually confined therein, and unable to provide for his or her Sustenance, Two Pounds Weight of good wholesome Wheaten Bread *per* Day, and also such Medical Advice and Medicine as he or she may require during his or her actual Continuance in such Prison or Gaol, or until he shall be ordered by any such Mayor, Bailiff, or other Head Officer, Jurat or other Justice, to the contrary; and such Boder or Keeper shall once in every Month at the least, and as much oftener as he shall think fit, make out and exhibit to, and if required so to do, verify upon his corporal Oath, before One of such Mayors, Bailiffs, Head Officers, Jurats or Justices aforesaid, and which Oath they and each of them are hereby authorized to administer, a full, true, and just Account of all Sums of Money expended by him for such Bedding, Bread, Medical Advice, and Medicines for such Prisoners; and that the same were really, truly, and *bonâ fide* provided for and supplied to the Prisoners in his actual Custody; and the Mayor, Bailiff, or Head Officer, Jurat or Justice, to whom the same shall be so exhibited, shall examine and allow and approve of the same, or disallow the Whole or any Part or Parts thereof, as to him shall seem just, and shall thereupon sign an Order for the Payment to the said Boder or Keeper, what shall upon such Examination and Allowance appear to be just; and the Register of the Cinque Ports for the Time being shall and he is hereby required, upon the Production of every such Order, to pay out of any Monies in his Hands for the Use of such Prisoner aforesaid, to the said Boder or Keeper, whatsoever Sum shall be therein allowed and directed to be paid to such Boder or Keeper; and the same, being indorsed by such Boder or Keeper, shall be a sufficient Voucher to such Register for such Payment, and be allowed to him in his Account accordingly.

Limitation of Relief.

VI. Provided always, and be it further enacted, That no Prisoner who shall be charged in Execution for Debt shall be relieved by virtue of this Act after the First Day of Term next following the Time when he or she shall be charged in Execution, nor who shall have become supersedable or entitled to be discharged under any Act for the Relief of Insolvent Debtors.

Register to make up his Accounts, and deliver same to Lord Warden, &c.

VII. And be it further enacted, That the said Register shall yearly and every Year make up his Accounts to the First Day of *August* in each Year, and deliver the same to the Lord Warden of the Cinque Ports for the Time being, within Twenty-one Days after the said First Day of *August* in each Year, for his Inspection and Allowance; and that the Lord Warden for the Time being shall inspect and allow the same, or disallow and make such Alterations therein, as to him shall seem just and proper, and allow the same so corrected, altered, and amended; and that the said Register shall cause the same when so allowed to be printed, and annually transmit One Copy of such his Annual Account, to each of the Mayors, Bailiffs, or other Head Officer of each of the Towns and Ports and Jurisdictions aforesaid,

aforesaid, within Thirty Days after the same shall be so allowed as aforesaid; and the Expence of printing and transmitting the same shall be allowed to him in his next subsequent Account.

Register to give Security to the Lord Warden.

VIII. And be it further enacted, That the said Register shall give such Security for duly conducting himself, and accounting for and paying over all such Sums of Money as shall come to his Hands under the Authority of this Act, according to the Provisions of this Act, to the Lord Warden for the Time being, as the Lord Warden for the Time being shall appoint; and the said Register shall be allowed such Sum for his Remuneration, for receiving, paying, and accounting for such Sums, and otherwise acting in regard to this Act, as the Lord Warden shall direct, not exceeding Five Pounds *per Cent.* on the Amount of the Sums by him received.

Lord Warden, &c. to make Rules.

IX. And be it further enacted, That the Lord Warden for the Time being, together with any Two of the Mayors, Bailiffs, or other Head Officers or Jurats aforesaid, or any Two of the Justices of the Peace acting for the Liberties of the Cinque Ports, shall and may, and they are hereby authorized to make, ordain and constitute such Rules, Orders, and Regulations, for the better Government and Conduct of the said Gaol or Prison, and from Time to Time alter, explain, or amend the same, as to them shall seem fit; and the same being reduced into Writing, and approved by the Lord Chief Justice of His Majesty's Court of King's Bench at *Westminster*, or the going Justices of Assize for the County of *Kent*, shall be binding and conclusive on all Persons whatsoever.

Lord Warden may diminish the Amount to be raised, and increase the same again.

X. And be it hereby further enacted, That if at any Time it shall appear to the Lord Warden for the Time being, on the Inspection of the said Accounts, that there is then remaining in the Hands of the Register, sufficient Money to provide for the Want of the Prisoners then confined or likely to be confined within the said Gaol or Prison, it shall be lawful for the Lord Warden for the Time being, and he is hereby authorized and required, to suspend for such Time as to him shall seem fit, either in the Whole or in such Proportion as he may think fit, the Payments herein directed to be made for the Use of such Prisoners; and again from Time to Time to revive or direct the same to recommence and be again payable to the full Amount, or to any less Amount than the Sums herein directed to be paid, as he shall deem requisite and expedient: Provided always, that nothing in this Act contained shall be deemed, taken, or construed to extend to authorize any Distribution or Delivery of any Bread to any Debtor or Debtors to His Majesty, or His Heirs or Successors, Kings or Queens of these Realms, who may or shall be confined within the said Gaol or Prison, and may or shall, under or by virtue of any Act or Acts of Parliament now made or passed, or to be made and passed, be entitled to have and receive any other Allowance during such his or her Confinement as aforesaid, for or out of any of the Public Funds or Revenues of these Realms.

No Relief to be given to Debtors to the Crown, otherwise relieved.

Dover Castle shall belong to the Town and Port.

XI. And be it further enacted, That the Castle of *Dover* shall from and after the passing of this Act become and be Part of the Town and Port of *Dover*.

Proceedings not to be quashed for want of Form.

XII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; and that when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining before such Action brought.

Limitation of Actions.

XIII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after the Expiration of Six Calendar Months next after the Cause of Action or Suit shall arise, nor without Twenty-one Days Notice shall have been given to him or them previous to the Commencement of such Action or Suit; and every such Action or Suit shall be brought and tried in the said County of *Kent*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after the Time limited for bringing the same as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Action or Suit in other Cases of Law or Equity.

Expences of Act.

XIV. And be it further enacted, That the Charges and Expences of passing this Act shall in the first Place be defrayed out of the Money to be raised by virtue of this Act.

Public Act.

XV. 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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