

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. L.

An Act for the Abolition of Gaol and other Fees, connected with the Gaols in *England*.

[12th *May* 1815.]

WHEREAS it is expedient, for the better Government of Gaols and Bridewells in *England*, that all Fees and Gratuities payable at the ſame, for the Entrance, Commitment, or Diſcharge of any Priſoner, ſhould be aboliſhed; 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 Firſt Day of *October* next, all Fees and Gratuities paid or payable by any Priſoner, on the Entrance, Commitment, or Diſcharge, to or from Priſon, ſhall abſolutely ceaſe, and the ſame are hereby aboliſhed and determined.

All Fees or Gratuities payable at Gaols and Bridewells ſhall be aboliſhed.

II. And whereas in ſome Places ſuch Fees and Gratuities as aforeſaid are payable to the Gaoler or his Servants, and are to him or them as a Salary; be it enacted, That it may be lawful for the Juſtices of the Peace for any County, City, or Town, aſſembled in General or Quarter Seſſions, to make ſuch Allowances to the aforeſaid Gaoler or Servants, as may to them ſeem fit, in the Way of Salary or Compenſation, for the Fees or Gratuities, payable by Priſoners, now aboliſhed by this Act.

Quarter Seſſions to make Allowances to Gaolers, &c.

III. And be it enacted, That the ſaid Juſtices of the Peace for any County, City, or Town, may direct the ſaid Allowances to be paid out of any County Rate, City Rate, or Town Rate, now by Law authorized to be made and levied.

Allowances to be paid out of the County Rates, &c.

Every Priſoner charged with Felony or Miſdemeanor and acquitted, to be diſcharged without Payment of any Fee, &c.

IV. And whereas it is cuſtomary for Clerks of the Aſſize, Clerks of the Peace, Clerks of the Court or their Deputies, or other Officers in the Courts of Aſſize or Seſſion, to demand and take from Perſons indicted, divers Sums in the Way of Fees; be it enacted, That every Priſoner who now is or hereafter ſhall be charged with or indicted for any Felony, or as an Acceſſary thereto, or with or for any Miſdemeanor, before any Court holding Criminal Juriſdiction within that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, againſt whom no Bill of Indictment ſhall be found by the Grand Jury, or who, on his, her, or their Trial, ſhall be acquitted, or who ſhall be diſcharged by Proclamation for want of Proſecution, ſhall be immediately ſet at large, without Payment of any Fee or Sum of Money, for or in reſpect of his, her, or their Diſcharge, to any Perſon or Perſons whomſoever; except only in ſuch Caſes wherein the Priſoner ſhall have been charged, and ſhall then ſtand charged with any Proceſs authorizing the Detention of ſuch Priſoner: Provided always, that if it ſhall happen that any Priſoner who ſhall ſo ſtand charged with any Proceſs authorizing his Detention as aforeſaid, ſhall have been diſcharged in ſuppoſed Obedience to this Act, by reaſon that the Sheriff or other Officer entitled to have detained him was at the Time of ſuch his Diſcharge ignorant that there was any ſuch Charge againſt him, it ſhall in ſuch Caſe be lawful for ſuch Sheriff or other Officer, on receiving Information of ſuch Charge, preſently to retake the Priſoner ſo diſcharged as aforeſaid, and thereupon forthwith to detain him in Cuſtody upon ſuch Charge, in ſuch Manner as the ſaid Sheriff or other Officer might have done if ſuch Priſoner had not been ſet at large; and that upon his being ſo retaken the ſaid Priſoner ſhall be deemed for the Purpoſe of that Suit to have been in Cuſtody continually from the Time when he ſo firſt ſtood charged as aforeſaid.

All Fees uſually paid to Clerks of the Court, Aſſize, &c. to be aboliſhed.

V. And be it enacted by the Authority aforeſaid, That all ſuch Fees as have been uſually paid or payable to the ſeveral Clerks of Aſſize and Clerks of the Peace, Clerks of the Court, or their Deputies, in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, in any of the Caſes aforeſaid, ſhall abſolutely ceaſe, and the ſame are hereby aboliſhed and determined; and from and after the paſſing of this Act, no Clerk of Aſſize, Clerk of the Peace, Clerk of the Court, or their Deputies, ſhall aſk, demand, take, or receive any Sum or Sums of Money, from any of the ſaid Priſoners as Fees, for or in reſpect of his, her, or their Diſcharge.

County Treaſurers to pay Allowances for Places not uſually aſſeſſed to the County at large.

VI. And be it enacted by the Authority aforeſaid, That in lieu and Satisfaction of ſuch lawful Fees ſo aboliſhed as aforeſaid, the Treaſurers or other proper Officers of the ſeveral Counties in *England*, or of ſuch Diſtricts, Hundreds, Ridings, or Diviſions of a County as are not uſually aſſeſſed to the County at large, and of ſuch Cities, Towns Corporate, Cinque Ports, Liberties, Franchiſes, and Places, as do not pay to the Rates of the ſeveral Counties in which they are reſpectively ſituated, ſhall, on receiving a Certificate ſigned by One or more Judge or Juſtice of the Peace, before whom ſuch Priſoner ſhall have been diſcharged as aforeſaid, (which Certificate the Judge or Juſtice is hereby required to give), pay out of the Rates of ſuch County, or of ſuch Diſtrict, Hundred, Riding, or Diviſion, or out of the Public Stock of ſuch City, Town Corporate, Cinque Port, Liberty, Franchiſe, or Place, ſuch lawful Sum as has

been uſually paid upon that Occaſion, for every Priſoner diſcharged as aforeſaid, to ſuch Clerk of Aſſize, Clerk of the Peace, or Clerk of the Court, or their reſpective Deputies; which ſeveral Sums ſo paid in purſuance of this Act ſhall be reſpectively allowed to the ſaid Treaſurer and Officers, by the Juſtices before whom their Accounts ſhall be paſſed.

Indemnification for Fees to Clerks of the Peace.

VII. And be it enacted, That each and every Clerk of the Peace, or his or their Deputy or Deputies, and all and every Officer who ſhall claim any Fees or Indemnification for the ſame, by virtue of any of the Proviſions herein-before contained, for and in reſpect of any ſuch Priſoners, ſhall deliver at each and every Seſſion of the Peace, or at ſome Adjournment thereof, an Account of all Fees ſo due to him, or for which he ſhall claim any Indemnification; which Account ſhall be verified upon Oath in Court, before the Chairman of ſuch Seſſions.

Clerks of Aſſize to deliver an Account of Fees.

VIII. And be it further enacted, That the Clerks of Aſſize ſhall, at each and every Aſſize to be holden, deliver in to the Judge of the Aſſize who ſhall ſit for the Trial of ſuch Priſoners, an Account of ſuch Fees as ſhall be due to him, for and in reſpect of ſuch Priſoners; which Account ſhall be verified upon Oath before ſuch Judge to whom ſuch Account ſhall be delivered.

Puniſhment of Officers for exacting Fees in future.

IX. And be it enacted, That from and after the paſſing of this Act, any Clerk of Aſſize, Clerk of the Peace, Clerk of the Court, or their Deputies or other Officers, exacting ſuch Fees, ſhall be rendered incapable of holding his or their Offices, and be guilty of a Miſdemeanor.

Liberates to Debtors to be granted free of Expence, and Compenſation made to Sheriffs for the ſame.

X. And whereas it has been cuſtomary in ſome Places for the Sheriff or Under Sheriff to demand, for the Liberate granted to any Debtor on his Diſcharge, a Fee or Gratuity; be it enacted, That ſuch Liberate ſhall be granted to ſuch Debtor free of all Expences; and that it ſhall be in the Power of the Juſtices of the Peace for each County, City, or Town, aſſembled in Quarter Seſſion, ſubject however to the Approbation of the Judges of Aſſize, to make ſuch Compenſation to the Sheriff or Under Sheriff, out of the County, City, or Town Rate, as ſhall to them ſeem fit.

How Allowances ſhall be raiſed for Places which do not contribute to County Rates.

XI. And whereas there are ſeveral Cities, Towns Corporate and Places within this Kingdom, which do not contribute to the Payment of any County Rate, and have no Town Rate or Public Stock; and Doubts may ariſe whether ſuch Cities, Towns Corporate and Places can be legally rated and aſſeſſed towards the Payment of the Salaries, Allowances, and Compenſations, in lieu of ſuch Fees and Gratuities; be it enacted, That in all ſuch Caſes the Salaries, Allowances, and Compenſations, in lieu of Fees and Gratuities herein-before directed to be made, ſhall be raiſed, levied, collected, and paid, within ſuch Cities, Towns Corporate and Places, by a ſeparate Rate and Aſſeſſment to be made by the Church-wardens and Overſeers of the Poor of the ſeveral Pariſhes and Precincts within ſuch Cities, Towns Corporate and Places, and by ſuch and the like Ways, Methods, and Means, as the Rates for the Relief of the Poor are, can, or may be raiſed, levied, and collected, in ſuch Cities, Towns Corporate and Places.

Allowances in certain Places to be paid out

XII. And whereas it may happen that the Sums of Money to be raiſed in the ſaid Cities, Towns Corporate and Places, or ſome or one of them, to anſwer

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answer and pay such Salaries, Allowances, and Compensations herein-before directed to be made, in lieu of Fees and Gratuities by this Act abolished, may be so small, that it may not be convenient to make an equal separate Rate and Assessment for the same, upon the said Parishes and Precincts within such Cities, Towns Corporate and Places; be it enacted, That in such last-mentioned Case, and when and as often as the same shall happen, the Salaries, Allowances, and Compensations shall and may, by Order of the said Judge or Judges, or Justices in Sessions assembled as aforesaid, be paid out of the Monies from Time to Time raised for the Relief of the Poor in the said several Cities, Towns Corporate, and Places; and the Treasurers or Persons from Time to Time having the Management of the said Monies raised for the Relief of the Poor in the same Cities, Towns Corporate, and Places, respectively, are hereby authorized and required to pay the said Sums of Money so ordered to be paid by the said Judge or Judges, or Justices, of the said last-mentioned Monies, when and as often as the same shall be so ordered: Provided always, that the Order for such Allowances as may be made by the Justices of the Peace assembled in General or Quarter Sessions, be approved by the Judge or Judges of Assize on the First Circuit ensuing after such Warrant shall have been made out by the Justices of Peace assembled in General or Quarter Session for any County, City, or Town, and that such Order shall not be deemed or taken as a legal Order without such Warrant from the Judge or Judges of Assize: Provided always, that should there be more Parishes than One in the same District, the Payments are to be made and levied in such Rates and Proportions as the respective Parishes pay to the Poor Rate.

Punishment of Gaolers for exacting any Fee or Gratuity from Prisoners.

XIII. And be it enacted, That any Gaoler, who shall, from and after the First Day of *October* next, exact from any Prisoner any Fee or Gratuity for or on account of the Entrance, Commitment, or Discharge of such Prisoner, or who shall detain any Prisoner in Custody for Non-payment of any Fee or Gratuity, shall be rendered incapable of holding his Office, be guilty of a Misdemeanor, and be punished by Fine and Imprisonment.

Not to extend to certain Gaols.

XIV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to extend to the *King's Bench* Prison, His Majesty's Prison of the *Fleet*, the *Marshalsea* and *Palace* Courts.

Act may be altered this Session.

XV. Provided always, and be it enacted, That this Act may be altered, amended, or repealed, within this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1815.