ANNO PRIMO & SECUNDO

# GEORGII IV. REGIS.

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## C A P. LXXVII.

**An Act to abolish the Payment, by Prisoners in *Ireland*, of Gaol Fees, and all other Fees relating to the Commitment, Continuance, Trial, or Discharge of such Prisoners, and to prevent Abuses by Gaolers, Bailiffs, and other Officers.**

[2d *July* 1821.]

WHEREAS it is expedient that all Fees and Gratuities now payable by Prisoners in *Ireland*, at the several Gaols and Bridewells in *Ireland*, and all other Fees relating to the Commitment, Continuance, Trial, or Discharge of such Prisoners, 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 Expiration of Fourteen Days next after the passing of this Act, all Fees and Gratuities whatever, paid or payable by any Prisoner in *Ireland*, on the Entrance, Commitment, Continuance in Custody or Discharge of any such Prisoner, to, in, or from any Prison in *Ireland*, shall absolutely cease and determine; and that no Fee or Gratuity whatsoever shall be paid or payable by any such Prisoner; any Law, Custom, or Usage to the contrary in anywise notwithstanding.

**All Gaol Fees abolished in Ireland.**

Prisoners shall not be detained in Custody for Fees to Clerk of the Crown, &c. under 49G.3.c.101.

II. And whereas Prisoners have been frequently detained in Custody for Fees due to the Clerks of the Crown, Clerks of the Peace, and other Officers, and were, during such Detention, supported at the public Expence, and great Inconvenience has arisen thereby from the crowded State of the Gaols and Bridewells in *Ireland*; be it therefore enacted, for Remedy hereof, That from and after the Expiration of Fourteen Days next after the passing of this Act no Prisoner shall be detained for his Fees only, and that no Fee whatsoever shall be taken or demanded from any Prisoner, by any Clerk of the Crown or his Deputy, Clerk of the Peace or his Deputy, Sheriff, Under Sheriff, Gaoler, Turnkey, Crier, or other Officer; any thing in Act made in the Forty-ninth Year of His said late Majesty's Reign, for regulating the Fees payable by Persons charged with Treason, Felony, and other Offences, at Assizes and Quarter Sessions in *Ireland*, or any other Act or Acts, or any Usage or Custom to the contrary notwithstanding.

Notice to be affixed in Prisons of the Abolition of all Prison Fees.

III. And be it further enacted, That the several Local Inspectors shall and they are hereby required to affix, in the several Prisons for which such Local Inspectors are appointed, Notice of the Abolition of all Prison Fees, in such Form and Manner as are or may be required by any Act passed or to be passed in this Session of Parliament; and if no Local Inspector be appointed, then the Gaolers or Keepers of such Prison are hereby required to affix the same; and if the said Inspectors, Gaolers, and Keepers shall neglect to affix such Notice as aforesaid, any Inspector, Gaoler, or Keeper so offending shall for every such Offence forfeit the Sum of Five Pounds; and that the Expence of fixing such Notices and renewing the same be charged by every Local Inspector, Gaoler, or Keeper to the Account of the Prison Necessaries furnished, provided, and accounted for by him.

Grand Juries may make Presentments for Fees of Prisoners discharged.

IV. And be it further enacted, That it shall and may be lawful to and for the several Grand Juries of the several Counties, Counties of Cities, and Counties of Towns in *Ireland*, in addition to the Sums which they are at present authorized to present off the several Counties, Counties of Cities, and Counties of Towns respectively, to present for the several Clerks of the Crown, Clerks of the Peace, and other Officers, and their Deputies, Sheriffs, Under Sheriffs, Gaolers, Turnkeys, and Criers, such a Compensation to the said Officer for the Fees of Prisoners discharged without Payment of Fees, pursuant to the Provisions of this present Act, as would have been payable by such Prisoners themselves, if this Act had never passed.

Amount of Fees to be presented for shall be ascertained as under 49G.3.c.101.

V. Provided always, and be it enacted, That the Sums to be presented by any Grand Juries under this Act, shall not in any Case exceed the Amount of the Fees which would have been payable by the Prisoners if the present Act had not been made, and that such Amount shall be fixed and ascertained in the Manner provided by the said recited Act passed in the Forty-ninth Year of His late Majesty's Reign, with respect to the fixing and ascertaining the

Amount Presentments to be made in lieu of Fees of Persons discharged without Fees.

VI. And be it further enacted, That no Presentment shall be made for the Keeper of any Bridewell, for the Fees of any Prisoner who shall have been lodged in such Bridewell, *in transitu*, to the County Gaol. No Fees on Prisoners in Bridewell in transitu.

VII. And be it further enacted, That if any Clerk of the Crown, or Clerk of the Peace, or any of their Deputies, or any Sheriff or Under Sheriff, or any Gaoler or Under Gaoler, or any Turnkey or Crier at Assizes or Sessions, or any Person acting under them, or any of them, shall demand, take, or accept any Fee, Gratuity, or Reward whatever, directly or indirectly, on the Commitment, Custody, Trial, or Discharge of any Prisoner, or for any Matter or Thing whatsoever relating thereto, contrary to the Directions of this Act; each and every Person so offending shall for each and every such Offence forfeit the Sum of Five Pounds *British* Currency, to be recovered in any of His Majesty's Courts of Record in *Dublin*, by Action of Debt, Bill, or Plaint, in which no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; or by Civil Bill, to be heard and determined by the Assistant Barristers at the Sessions of the Peace in such Counties where the said Offences shall be committed. Penalty on taking Fees contrary to this Act.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to the Marshalsea of the Four Courts of the City of *Dublin*, nor to the Marshalsea of the City of *Dublin*. Not to extend to Four Courts Marshalsea.

IX. And for the more speedy punishing Gaolers, Bailiffs, and others employed in the Execution of any Process Civil or Criminal, for Extortion or other Abuses in their respective Offices and Places; be it further enacted, That upon the Petition of any Prisoner or Person, being or having been under Arrest or in Custody, complaining of any Exaction or Extortion by any Gaoler, Bailiff, or other Officer or Person in or employed in the keeping or taking Care of any Gaol or Prison or other Place to which any such Prisoner or Person, under or having been under Arrest, or in Custody, by any Process Civil or Criminal, or in any Suit or Action, is or shall have been carried, or in respect of the arresting or apprehending any Person or Persons, by virtue of any Process, Action or Warrant, or of any other Abuse whatsoever, committed or done in their respective Offices or Places, such Petition being presented in Term Time unto any of His Majesty's Courts of Record in *Dublin*, from whence the Process issued by which any Person who shall so petition was arrested, or under whose Power or Jurisdiction any such Gaol, Prison, or Place is, or in Vacation Time to any Judge of such Court from whence such Process so issued, or upon Petition to the Judges of Assize in their respective Circuits, or to the Judge or Judges of any other Court of Record, where any Prisoner or Person, being or having been under Arrest or in Custody, was arrested or in Custody by Process issued out of or Action entered in any such other Court of Record in *Ireland*, every such Court or Judge, and every Judge of Assize, For summary Punishment of Extortion and Abuses committed by Gaolers, &c.

Assize, and Judge and Judges of other Courts of Record as aforesaid, are hereby authorized and required respectively, within their several Jurisdictions, to hear and determine the Matter of such Petition and Complaints in a summary Way, and to make such Order thereupon, for redressing the Abuses which shall by any such Petition be complained of, and for punishing such Officer or Person complained against, and for making Reparation to the Party or Parties injured, as such Courts or Judges shall think just, together with the full Costs of every such Complaint, where such Courts or Judges shall think the same to be just; and all Determinations which shall be thereupon made by any of the said Courts or Judges as aforesaid respectively, in such summary Way as is herein prescribed, shall have the same Effect, Force, and Virtue, and Obedience thereunto may be enforced by the respective Courts and Judges, by Attachment, or in any other Manner, as other Orders of the said respective Courts and Judges may be enforced.

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