ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 117.

An Act for erecting and maintaining a new Gaol for the County and City of *Perth*; and for other Purposes relating thereto. [3d *June* 1813.]

WHEREAS the present Gaol of the City of *Perth*, which is the County Town of the Shire of *Perth*, is the Place of Confinement for the Prisoners of the said County as well as of the said City, and is also the Prison connected with the Circuit Courts of Justiciary held at *Perth* for the said County and for the adjoining Counties of *Fife* and *Forfar*, and the same is in an incommodious Situation, extremely insecure, and is neither sufficiently large, nor in other respects well adapted for the Reception, Confinement, and Separation of the Felons and other Persons confined therein: And whereas it is necessary that a new Gaol should be built for the Use of the said City and County, in a more commodious Situation; but as the Funds necessary for erecting and maintaining the same cannot be provided without the Aid and Authority of Parliament: 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 for and on Behalf of the said City of *Perth*, the Provost, Dean of Guild, and Baillies of the said City; and for and on Behalf of the said County of *Perth*, the Lord Lieutenant of the said County, the Member of Parliament for the said County, the Sheriff Depute and the Convener of the said County, all for the Time being; Appointment of Commissioners.

being; and such Commissioners of Supply of the said County, not exceeding Ten in Number, who shall be named and appointed for that Purpose by the Commissioners of Supply of the same, from Time to Time at General Meetings assembled, in Manner herein-after mentioned, shall be and they are hereby nominated Commissioners for building and erecting a Gaol or Prison of and for the said City and County of *Perth*, in such Situation and of such Materials as they shall think fit, with proper and sufficient Yards, Courts, Out-offices, and Conveniences, Passages, and Avenues to and from the same, and for making all necessary Contracts and Agreements for and concerning the same, and for effecting and executing all the Purposes and Powers by this Act committed to and appointed to be done by the said Commissioners.

Meeting for naming Commissioners.

II. And be it enacted, That on the Third *Monday* after the passing of this Act, or on some convenient Day early thereafter, the Commissioners of Supply of the County shall assemble and meet within the Court House or County Hall at *Perth*, at Twelve of the Clock, for the Purpose of naming and appointing the Commissioners for and on Behalf of the County, to be named and appointed by them, of which Meeting the Sheriff Clerk of the said County is hereby directed and required to give Notice by Advertisements in any Two of the Newspapers published or usually circulated in the said County at least Ten Days before the Day of such Meeting; and the Commissioners of Supply in such Meeting assembled shall, by Plurality of Voices of the Commissioners of Supply who may be present, name and appoint from among the Commissioners of Supply aforesaid, the Commissioners for putting this Act into Execution, who are herein-before directed to be named and appointed for that Purpose for and on Behalf of the said County, not exceeding Ten in Number; and the Order or Priority in which such Commissioners shall be named shall be the Order to be observed among such Commissioners in regard to their voting with the other Commissioners for putting this Act in Execution; and in case of any future Vacancy in the Number of those to be named and appointed as aforesaid, such Vacancy shall be supplied in a similar Manner by the said Commissioners of Supply at their next General Meeting held after such Vacancy shall have occurred, or at some Meeting to be called for that special Purpose by such Advertisements as aforesaid.

First and other Meetings of Commissioners.

III. And be it enacted, That on the Third *Monday* after the Commissioners for and on Behalf of the said County shall have been named and appointed in Manner before mentioned, or on some convenient Day early thereafter, the Commissioners for the Purposes of this Act shall hold their First Meeting for putting the same into Execution, within the said Court House or County Hall at *Perth*, at Twelve of the Clock, of which First Meeting the Sheriff Clerk of the said County is hereby directed and required also to give Notice by Advertisements in any Two Newspapers published or usually circulated in the said County at least Ten Days before the Day of such Meeting; and the said Commissioners shall and may at such Meeting and their several subsequent Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves and appoint their next Meeting to be holden at such Place and at such Time as to them shall seem proper; and if it shall so happen that there shall not be present at any Meeting of the said Commissioners

missioners a sufficient Number to act under the Authority of this Act, the Commissioners or Commissioner then present, or if no Commissioner shall be present, the Clerk to the said Commissioners shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Ten Days from the Day on which such Adjournment shall be made; and the Clerk to the said Commissioners shall have Power, and he is hereby required, when thereto directed (by a Writing under the Hands of any Three or more Commissioners), to call at any Time an Extraordinary Meeting of Commissioners to be held at *Perth*, giving the like previous Notice of the Time of holding such Extraordinary Meeting as is herein-before directed with regard to the First Meeting, and also Notice of the Purpose of the Meeting; and at such Meeting no Business shall be entered into or decided upon other than what shall be specified in the Notice given as aforesaid; and it shall not be in the Power of any Ordinary or Extraordinary Meeting to rescind, alter, or vary the Determination of any former or Extraordinary Meeting, unless previous Notice of the Intention of so doing and of the Time of holding the Meeting be given by Advertisements in such Manner as is directed with regard to the First Meeting.

Quorum.

IV. And be it enacted, That no Act of the said Commissioners shall be or be deemed to be good, valid, or effectual, unless the same shall be done at some Meeting to be holden in pursuance of this Act; and that all the Powers and Authorities by this Act granted to the said Commissioners shall and may be exercised from Time to Time by the major Part of them who shall attend at any such Meeting, the Number of such Commissioners present at such Meeting not being less than Five, who are hereby declared to be a Quorum; but if more than Five Commissioners, for and on Behalf of the said County, shall be present at any Meeting, only Five of such Commissioners shall be entitled to vote at such Meeting, and the Five entitled to vote shall be taken in the Order or Priority in which they are named and appointed by this Act, or shall have been named and appointed by the Commissioners of Supply of the said County in Manner before mentioned.

Penalty on acting if not qualified.

V. And be it enacted, That if any Person not duly authorized shall notwithstanding presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds Sterling, besides the Expence of Prosecution, to be levied by summary Complaint of any of the said Commissioners before the Justices of the Peace for the said County of *Perth*, or before the Sheriff Depute of the said County, or his Substitutes, to be paid to the said Commissioners or their Treasurer, and applied to the Purposes of this Act; and the Proof of Qualification shall lie upon the Person complained of.

Præses to be elected.

Clerk and Treasurer to find Security.

VI. And be it enacted, That the said Commissioners for putting this Act into Execution shall at their First or any subsequent Meeting, by a Plurality of Voices of those present and entitled to vote, elect a Præses, and appoint a Clerk and Treasurer, such Clerk and Treasurer to hold and exercise these Offices at the Will and Pleasure of the said Commissioners, either separately or jointly, with reasonable Allowances for their Trouble; and such Clerk and Treasurer shall find Security for the due

Execution of their Offices respectively, and shall at all Times obey the lawful Commands and Instructions of the said Commissioners.

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

VII. And be it enacted, That the said Commissioners may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk or Treasurer for the Time being; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but the Clerk or Treasurer to the said Commissioners for the Time being shall be deemed to be the Pursuer or Defender in any such Action.

Power to appoint Committees.

VIII. And be it enacted, That the said Commissioners may, if they shall think fit, appoint a Committee or Committees of their Number to superintend the Progress of the Buildings to be erected, or to carry into Effect any of the Purposes of this Act, to whom they may delegate such of the Powers hereby granted to the said Commissioners as they shall think fit.

Limitation of the Sums to be disbursed.

IX. And be it enacted, That the whole Sum of Money to be disbursed in the Execution of the Purposes of this Act (exclusive of the Expence of applying for, obtaining, and passing the same) shall not exceed the Sum of Six thousand Pounds Sterling, and Interest of the Sums to be borrowed in virtue of the Powers herein-after contained, and the same, together with the Expences of applying for, obtaining, and passing this Act, shall be assessed and raised in Manner herein-after mentioned.

Sums to be assessed on the County.

X. And be it enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, at their First or any subsequent Meeting to be held under the Authority of this Act, to assess or cause to be assessed rateably and proportionably upon all the Lands, Teinds, and Heritages valued in the Valuation Books of the said County, a Sum not exceeding Two thousand Pounds Sterling, to be applied to the Purposes of this Act, with the Interest of any Sum or Sums of Money to be borrowed on the Credit of the said Assessment in virtue of the Powers herein-after contained for that Purpose, with One Third Part of the Expence of applying for, obtaining, and passing this Act, which Assessment shall be levied, collected, and recovered, by the Collector of the Land Tax for the said County, in the same Manner, and by the same Means, and at the same Time as the Land Tax of the said County shall be collected and recovered; and such Collector of the Land Tax shall account for and pay over the said Assessment when levied, collected, or recovered to the said Commissioners or their Treasurer for the Time being, at the same Time and in the same Manner, and under the same Conditions and Penalties, as such Collector of the Land Tax is or shall be obliged to account for and pay over the Land Tax of the said County to the Receiver-General thereof, or Person appointed to receive the same on Behalf of His Majesty, His Heirs and Successors: Provided always, that it shall not be lawful for the said Commissioners to levy or cause to be levied in any one Year a greater Proportion or Instalment of the said Assessment upon the Lands, Teinds, and other Heritages of the said County than shall amount to the One Half of the

said

ſaid Sum of Two thouſand Pounds Sterling, with the Intereſt of any Sum or Sums to be borrowed on the Credit of the ſaid Aſſeſſment, and One-Third Part of the Expence of applying for, obtaining, and paſſing this Act: And provided alſo, that the Heritors of the ſaid County ſhall in no Shape, nor under any Pretence whatſoever, be ſubject or liable for the Payment of any Sum or Sums of Money for the Purpoſes of this Act, further than the ſaid Sum of Two thouſand Pounds with the Intereſt on any Sum or Sums of Money to be borrowed on the Credit of the ſaid Aſſeſſment, and the aforeſaid Proportion of the Expence of applying for, obtaining, and paſſing this Act.

Scite of the Gaol; the ſame to be provided by the City of Perth.

XI. And be it enacted, That the Ground or Scite upon which the ſaid Gaol is to be built, ſhall be an Area of not leſs than One thouſand ſeven hundred and fifty Square Yards, and ſuch Ground or Scite ſhall be provided by the Magiſtrates and Town Council of the ſaid City of *Perth*.

Further Obligation impoſed upon the City.

XII. And be it enacted, That beſides providing a Scite for the ſaid Gaol, the Magiſtrates and Town Council of the ſaid City ſhall be bound and obliged, from the Property or Funds of the Community of the ſaid City, farther to contribute and pay towards the Expence of building the ſaid Gaol, and carrying into Effect the Purpoſes of this Act, the Sum of Four thouſand Pounds, with the Intereſt of any Sum or Sums of Money that may be borrowed on the Credit thereof, in Manner hereinafter mentioned, together with the remaining Two-Third Parts of the Expence of applying for, obtaining, and paſſing this Act, which the ſaid Commiſſioners for the Purpoſes of this Act are hereby authorized to aſk, levy, demand, and make effectual by Inſtalments of not more than Two thouſand Pounds, with the Intereſt of any Sum or Sums of Money to be borrowed on the Credit of the ſaid Obligation on the Property and Funds of the ſaid City, and the ſaid Two-Third Parts of the Expence of applying for, obtaining, and paſſing this Act in any one Year; which Sum of Four thouſand Pounds Sterling, and ſuch Intereſt on the Sum or Sums of Money to be borrowed as aforeſaid, and the aforeſaid Two-Third Parts of the Expence of applying for, obtaining, and paſſing of this Act, ſo to be paid by the ſaid Magiſtrates and Town Council of the ſaid City, ſhall be recoverable by the ſaid Commiſſioners againſt the Magiſtrates and Town Council of the ſaid City for the Time being, as repreſenting the Community thereof, by ſuch Suit, Action at Law, or Diligence, by and through which Debts due by Royal Burghs may be recovered or enforced in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, and which ſeveral Sums ſhall be Debts upon and affecting the Property and Funds of the Community of the ſaid City; and the Magiſtrates and Town Council of the ſaid City are hereby authorized to cauſe their Treaſurer to charge the Property and Funds of the ſaid City with the Amount thereof: Provided always, that it ſhall not be lawful to nor in the Power of the ſaid Magiſtrates and Town Council to levy any Sum or Sums of Money whatever, herein-before directed to be paid out of the Property and Funds of the ſaid City for the Purpoſes of this Act, or any Part of ſuch Sum or Sums of Money, by Aſſeſſment or Aſſeſſments upon the Inhabitants of the ſaid City.

But no Part of it to be raiſed by Aſſeſſment.

The City only to be liable to the Extent of this Obligation.

XIII. And be it enacted and declared, That the Magiſtrates or Community of the ſaid City ſhall in no Event be liable to be called upon for more than Four thouſand Pounds Sterling in the Whole, and ſuch Intereſt as aforeſaid for the Purpoſes of this Act, together with the ſaid Two-Third Parts of the Expence of applying for, obtaining, and paſſing the ſame; and that in whatever Sum, or in whatever Proportion of the Expences of erecting the ſaid Gaol, and carrying the Purpoſes of this Act into Execution, the Commiſſioners for the Purpoſes of this Act ſhall, within any one Year aſſeſs the Lands, Teinds, and Heritages within the ſaid County of *Perth* aforeſaid, the ſaid Commiſſioners ſhall and they are hereby required within the ſame Year to recover Double the Amount of the ſaid Sum or Proportion from the ſaid Magiſtrates and Town Council of the ſaid City of *Perth*.

Materials, &c. veſted in the Commiſſioners.

XIV. And be it enacted, That the Right of Property of all the Materials and Machinery of every Kind and Deſcription employed in the Erection of the ſaid Gaol, and in carrying into Effect the other Purpoſes of this Act, ſhall be and the ſame is veſted in the ſaid Commiſſioners, except in ſo far as the ſame or any Part thereof ſhall be the Property of any Perſon or Perſons with whom they may or ſhall have contracted for executing any Part of the ſaid Work.

Power to borrow Money.

XV. And be it enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to borrow and take up at Intereſt on the Security of the Aſſeſſment hereby authorized to be levied on the Lands, Teinds, and Heritages within the ſaid County, any Sum or Sums of Money not exceeding the ſaid Sum of Two thouſand Pounds of Principal; and on the Security of the aforeſaid Obligation impoſed upon the Magiſtrates and Town Council of the ſaid City of *Perth*, any Sum or Sums of Money not exceeding the ſaid Sum of Four thouſand Pounds Sterling of Principal that ſhall be requiſite for defraying the Expence of building the ſaid Gaol, and procuring Plans and Eſtimates for the ſame, and carrying into Effect the Purpoſes of this Act, but excluſive of the Expence attending the applying for, obtaining, and paſſing this Act; 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 Aſſeſſment hereby authorized to be impoſed and levied, or of the aforeſaid Obligation impoſed upon the ſaid Magiſtrates and Town Council, to any Perſon or Perſons from whom the Money or any Part thereof ſhall be borrowed, as a Security for Payment thereof and Intereſt ariſing thereon at a Rate not exceeding Five Pounds *per Centum per Annum*; and ſuch Aſſignment and Security for Money to be borrowed as aforeſaid ſhall be entered in a Book or Books to be kept by the ſaid Commiſſioners or their Clerk or Treaſurer for that Purpoſe, which Book or Books may be ſeen and peruſed by any Perſon or Perſons intereſted, at all ſeaſonable Times, without Fee or Reward; and the Aſſignments in Security of the Sums of Money to be borrowed as aforeſaid, ſhall be made and executed by the Clerk or Treaſurer of the ſaid Commiſſioners, in their Name and on their Behalf, he being ſpecially authorized ſo to do by a General Meeting of Commiſſioners: Provided always, that the ſaid Commiſſioners or their Clerk, or ſuch Perſon or Perſons as they may appoint to receive the Money ſo to be borrowed as aforeſaid, ſhall not be perſonally ſubject or liable to pay the ſame by reaſon of their

Commiſſioners, &c. not to be perſonally liable.

authorizing

authorizing the Signature of or ſigning ſuch Aſſignments as before mentioned; and ſuch Aſſignments ſhall be transferrable by Indorſement ſubſcribed by the Party transferring in the Preſence of Two or more ſubſcribing Witneſſes.

Aſſignments to be transferable by Indorſement.

XVI. And be it enacted, That the ſaid Commiſſioners or their Treaſurer ſhall lodge all and every Sum or Sums of Money which they ſhall receive or borrow in virtue of the Powers of this Act, with any Branch of the Bank of *Scotland* or Royal Bank of *Scotland*, or of the *Britiſh* Linen Company at *Perth*, therein to remain until the ſame ſhall be required for the Purpoſes of this Act.

Money to be lodged in the Bank of Scotland or Royal Bank of Scotland, or Britiſh Linen Company.

XVII. And be it further enacted, That when the ſaid Gaol ſhall be finiſhed, the ſame ſhall be taken to be and made uſe of as the Gaol for Criminals and Debtors and Vagrants for the ſaid City and County, and for Priſoners brought to Trial at the Circuit Courts of Juſticiary held or to be held at *Perth*; and it ſhall and may be lawful for all and any of the Juſtices of the Peace for the ſaid County to iſſue his or their Warrant or Warrants for tranſmitting to and confining in the ſaid Gaol as a County Gaol, all Vagrants and Criminals of every Deſcription, ſubject by Law to be apprehended and confined within the ſaid County; and the Magiſtrates and Town Council of the ſaid City, and the Gaoler or Keeper or Gaolers or Keepers of the ſaid Gaol, ſhall reſpectively be liable and anſwerable to all Intents and Purpoſes whatſoever, for the ſafe Cuſtody of all ſuch Perſons as may from Time to Time be committed to their or his Cuſtody in the ſaid New Gaol, in the like Manner as the Magiſtrates and Town Council of the ſaid City, and Keeper or Gaoler of the preſent Gaol of the ſaid City, now are and is liable by Law for the ſafe Cuſtody of all Perſons committed to the preſent Gaol of the ſaid City; and the Magiſtrates and Town Council of the ſaid City ſhall have the like Power over the ſaid New Gaol as they have or might have over the preſent Gaol, by any Law now in force; and ſhall be bound to defray the Expences neceſſary for keeping in Repair and maintaining the ſaid Gaol in all Time coming, and for keeping up the neceſſary Eſtabliſhment and other Charges thereof, in the ſame Manner and to the ſame Extent as they are bound with regard to the preſent Gaol, and as all Magiſtrates of Royal Burghs in *Scotland* are bound with regard to the Gaols within their Burghs; and any Warrant of the ſaid Magiſtrates ſhall be deemed equally effectual and ſufficient to commit Priſoners to the ſaid Gaol, notwithſtanding the ſame may not be within the Royalty of the City of *Perth*, as if the ſaid Gaol were ſituated within the Royalty thereof.

Powers of Commitment to the New Gaol.

Magiſtrates, &c. to be anſwerable for Priſoners committed.

Gaol to be maintained in Repair by the City.

Magiſtrates may commit though Gaol out of Royalty.

XVIII. And be it further enacted, That when the ſaid New Gaol ſhall be made fit for the Reception of Priſoners, the ſaid Commiſſioners or any Two or more of them, ſhall cauſe Notice thereof in Writing to be given to the Magiſtrates and Town Council of the ſaid City for the Time, and to the Keeper or Keepers of the preſent Gaol thereof, who ſhall reſpectively remove to ſuch New Gaol all ſuch Debtors, Felons, and other Priſoners as ſhall be then in Cuſtody, and ſuch Removal or Removals ſhall not be deemed or taken to be an Eſcape or Eſcapes.

Priſoners to be removed to the New Gaol.

XIX. And be it enacted, That when the Priſoners ſhall be removed from the preſent Gaol, the ſame, with the Furniture and other Articles therein, and

Scite, &c. of the preſent Gaol to be-

long to the City. and the Scite or Area thereof, ſhall form Part of the Property of the Community of the ſaid City, and ſhall and may be diſpoſed of and applied as the other Property of the ſaid City may be diſpoſed of or applied.

No Wine or Liquors to be ſold in the New Gaol. **XX.** And be it further enacted, That no Wine or Liquors of any Sort ſhall be ſold within the ſaid New Gaol, and that no Spirituous Liquors ſhall be admitted therein or given to the Priſoners, unleſs by order of a Surgeon or other Medical Perſon by way of Medicine to the ſaid Priſoners.

City not to be relieved of the Obligation of building and maintaining a Gaol. **XXI.** And be it further enacted, That nothing herein contained ſhall be deemed or conſtrued to relieve the Magiſtrates, Town Council, and Community of the ſaid City of *Perth*, or any other Perſons, of any Obligations exiſting by Law on them to build, maintain, and keep in Repair a Gaol or Priſon for the ſaid City.

An Account of the Expence to be made up and depoſited. **XXII.** And be it further enacted, That when the ſaid Gaol ſhall be finiſhed according to the Authority contained in this Act, an accurate Account of the whole Expence laid out in erecting the ſame, with the Yards, Courts, Offices, and Conveniencies, Paſſages and Avenues belonging thereto, ſhall be made up and atteſted by Five of the ſaid Commiſſioners or their Committee; which Account, with the Books, Papers, Receipts, and all other Writings and Vouchers, Plans, Drawings, and Deſigns relative to the Execution of the ſame, ſhall be depoſited with the Town Clerk of the City of *Perth*, for which a Receipt ſhall be given by him to the ſaid Commiſſioners or their Committee, and a Copy of ſuch Account atteſted as aforeſaid ſhall be ſent to the Clerk of the Peace of the ſaid County of *Perth*, to remain in his Hands for the Information of all concerned.

Expences of the Act. **XXIII.** And be it enacted, That the Expence of procuring and paſſing this Act ſhall be paid out of the Sums herein authorized and directed to be levied, in the Proportions above mentioned.

Limitation of Actions. **XXIV.** And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance or by virtue of this Act after Six Calendar Months next after the Fact committed or Cauſe of Action occurred for which ſuch Action or Suit ſhall be ſo brought.

Public Act. **XXV.** And be it 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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