

CAP. IV.

An act for relief of poor prisoners, and setting them on work.

WHEREAS there is not yet any sufficient provision made for the relief and setting on work of poor and needy persons committed to the common goal for felony and other misdemeanors, who many times perish before their trial; and the poor there living idly and unemployed, become debauched, and come forth instructed in the practice of thievery and lewdness: (2) For remedy whereof, be it enacted by the King's most excellent Majesty, with advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the justices of the peace of the respective counties at any their general sessions, or the major part of them then there assembled, if they shall find it needful so to do, may provide a stock of such materials as they find convenient for the setting poor prisoners on work, in such manner and by such ways, as other county-charges by the laws and statutes of the realm are and may be levied and raised; and to pay and provide fit persons to oversee and to set such prisoners on work; (3) and make such orders for accounts of and concerning the premisses, as shall by them be thought needful, and for punishment of neglects and other abuses, and for bestowing of the profit arising by the labour of the prisoners so set on work, for their relief, which shall be duly observed; and may alter, revoke or amend such their orders from time to time. (4) Provided that no parish be rated above six-pence by the week towards the premisses, having respect to the respective values of the several parishes.

How stocks may be provided for setting the poor on work.

Sickness and diseases happening among prisoners.

II. *And whereas sometimes by occasion of the plague, and other whiles by the great number of prisoners, great and infectious diseases have happened among the prisoners, whereby it hath come to pass sometimes that the judges, justices and jurors have, upon occasion of their attendance at the trial of prisoners been infected, and many of them died thereof, and sometimes such infection hath spread in the country:* (2) For some remedy therein, be it by the same authority enacted, That any sheriff of the respective counties having the custody of the gaol, or such persons who have the custody of the gaol, with the advice and consent of three or more justices of the peace, whereof one to be of the *quorum*, may if they shall on enquiry or information find it needful, upon emergent occasions in the respective counties, provide other safe places for the removal of sick or other persons from and out of the ordinary and usual gaols; (3) the same places to be used and employed for the reception and custody of the prisoners, to be by or according to their order or orders kept, ordered, disposed and conveyed to the places appointed for the gaol-delivery, in such and like manner as such prisoners ought to be kept, ordered, disposed and conveyed, in and from the common gaols by the laws and statutes of the land. Provided, no such place be made use of for the purposes aforesaid, against the good and free-will of the owners thereof.

III. Proq.

III. Provided also, and be it enacted by the authority afore-
 said, That the mayor, bailiff and other head officer, or any
 other person and persons who have and hath the custody of the
 common gaol within any corporation of this kingdom and do-
 minion of *Wales*, shall by and with the advice of three or more
 justices of peace within the said corporation, whereof one of
 them to be of the *quorum*, in time of infection, have the like
 power and authority for removing his and their prisoners into
 some other convenient place within their jurisdiction as to them
 shall seem fit, during the time of infection; and also to raise a
 stock after the same rates and proportions, as is herein before
 allowed to and for the several counties of this kingdom.

IV. Provided also, and be it further enacted by the authority
 aforesaid, as followeth, (*viz.*) That whereas there is already
 provided a strong and sufficient messuage in the parish of Saint
Thomas the apostle near the city of *Exon* for the purpose afore-
 said, and one thousand pounds more by certain trustees, upon
 proposals and agreements made by them with certain gentlemen,
 justices of the peace for the county of *Devon*, who have also pro-
 vided one thousand pounds more, in order to purchase lands of
 inheritance for the good purposes hereafter mentioned; (2) be
 it enacted by the authority aforesaid, That the said two thou-
 sand pounds be laid out in purchase of lands of inheritance, by
 order of the general sessions of the peace hereafter at any time
 to be held, in the name of such persons as by such order shall
 be appointed. (3) *Item*, That the said house, with the grounds
 therewith inclosed, be had and used as a common gaol and
 work-house for the said county in manner as is after expressed.
 (4) *Item*, That an overseer be therein placed by like order, and
 by like order be removeable from time to time; which overseer
 shall have the charge, custody and government of the prisoners
 to him committed, according to this act, and shall have fifty
 pounds *per annum* during the execution of his office, and ten
 pounds *per annum* for his deputy; but shall therefore take no
 fees for receiving, delivering or doing any other service relating
 to the prisoners, from or of any the said prisoners. (5) *Item*,
 That the said justices by like order from time to time shall and
 may, by approbation of the ordinary, provide and appoint some
 meet and discreet minister to read divine service according to the
 orders of the church of *England*, unto the prisoners, at least
 four days in the week, That is to say, on the Lord's day, each
 Wednesday, and each Friday and Saturday, and oftner if the
 said justices shall appoint, and to take pains in instructing them
 each Lord's day at the least, for which they may allow him thirty
 pounds *per annum* or after that rate, the rest of the profits to be
 for repairing the house, and towards finding a stock for to set
 the prisoners on work. (6) *Item*, That any person charged with
 such offence only for which clergy is allowable, if so be he be
 needy and indigent, and not likely to maintain himself in gaol,
 may by warrant of the justice or justices of the peace, to whom
 jurisdiction in that behalf appertaineth, be committed to the said
 work-

work-house in order to his trial ; (7) and if any person shall be committed to the ordinary gaol, who shall be or become so indigent, he may by warrant of three justices of the peace, whereof one to be of the *quorum*, be removed from the ordinary common gaol to the said house ; all which prisoners so committed or removed shall be in the custody of the overseer, and be ordered and demeaned in the said house, and conveyed to the sessions or to the gaol-delivery, by like warrant, way and means, as the prisoners in other goals by the laws and statutes of this realm are to be ordered and demeaned.

V. *And because the said work-house is distant from the ordinary common gaol*, the prisoners by order from the sessions or gaol delivery may, in order to their trials, be removed to the common gaol, to be the more ready for their trials. (2) *Item*, That the said overseer shall give security for the stock, and be liable to such regulations and orders for accounts and otherwise, as the sessions shall from time to time make for setting the poor prisoners on work there, which shall be obeyed and observed. That a convenient stock be from time to time raised at the charge of the county. (3) *Item*, That the said justices of the county in *Devon* may put in ure all the powers in this act, as other justices may in any other county by virtue thereof :

VI. Saving to the King's majesty, his heirs and successors, and to every other person and persons, and their heirs, successors, executors and administrators, all rights, titles, claims and demands whatsoever, into or out of the said messuages and premisses, as if this act had never been made.

CAP. V.

An act extending a former act concerning replevins and avowries, to the principality of Wales and the county palatines.

17 Car. 2. c. 7. **W**HEREAS by an act of parliament, intituled, An act for the more speedy and effectual proceeding upon distresses and avowries for rents, provision is made where any plaintiff shall be nonsuit before issue joined in any suit or replevin, by plaint or writ lawfully returned, removed or depending in any of the King's courts at Westminster ; (2) 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, That the said act, and all the powers and provisions thereby made for causes of *replevins* depending in his Majesty's courts of *Westminster*, shall be extended and be of the same force and efficacy in all causes of *replevin*, which are or shall be depending in his Majesty's court of common pleas for the county palatine of *Lancaster*, the courts of the great sessions of his Majesty's principality of *Wales*, the court of the great sessions or assizes for the county palatine of *Chester*, and the court of common pleas for the county palatine of *Durham*, as fully and as amply for and during the continuance of the said act, as if the said courts had been mentioned therein.

Lancaster,
Wales,
Chester.

CAP.