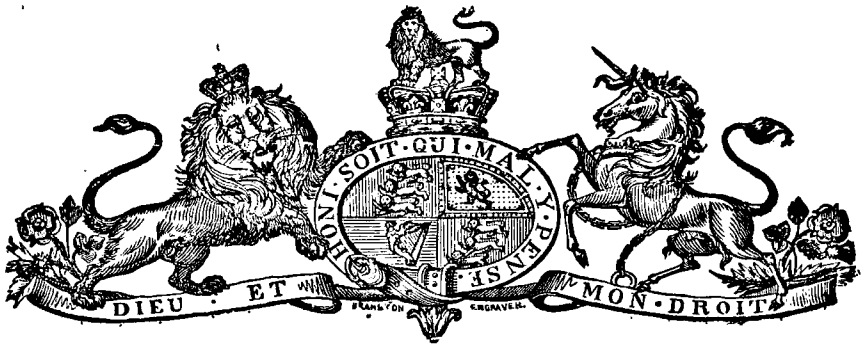



ANNO QUINTO & SEXTO

# VICTORIÆ REGINÆ.

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## CAP. LIII.

### An Act to encourage the Establishment of District Courts and Prisons. [30th *July* 1842.]

WHEREAS a good System of Prison Discipline can be carried into effect most easily and at the least Cost by the Establishment of large Prisons; and it is expedient to encourage the building of District Prisons, for the common Use of One or more Boroughs and any adjacent District of a County: Be it enacted by the Queen'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 it shall be lawful for the Justices of the Peace of any County, and for the Mayor, Aldermen, and Burgesses of any Borough which is within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or of any Charter granted in pursuance of that Act, or of any Act passed for the Amendment thereof, to agree, by their Council, jointly or severally, with the Justices of the Peace of any One or more Counties, or with the Mayor, Aldermen, and Burgesses of any One or more such Boroughs by their Councils respectively, for the Contribution and Payment of any Sum of Money by either or any of the

Justices of any County, and of any Borough within the Provisions of 5 & 6 W. 4. c. 76., may agree with other Justices for building or enlarging Prisons, to be used as District Prisons.

the Parties to any such Agreement towards altering, enlarging, building, rebuilding, repairing, or improving any Prison to be used as a District Prison under the Provisions herein-after contained, and toward the Expences of the Maintenance, safe Custody, and Punishment of the Offenders committed thereunto, including their Committal, Prosecution, and Conveyance to and from Prison, and toward the Expences of providing and maintaining a Court House and necessary Buildings, and defraying the other Charges of the Court at which they shall be tried, including all Salaries to be paid by either or any of the contracting Parties; and it shall be lawful for any Justice of the Peace acting within his Jurisdiction for any County or Borough which is one of the Parties to the Agreement to commit to such Prison all Persons who shall be by Law liable to be committed to Prison for any Act or Omission done or omitted, or charged to be done or omitted, within the District set out or any Borough specified in the Agreement; and every Person committed to any such Prison may be tried, sentenced, and punished in like Manner as if such Prison were a Gaol belonging to the County or Borough from which such Person was committed; and all the Provisions of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in* England *and* Wales, as amended by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in certain Boroughs*, shall extend, as nearly as may be, to all such Agreements, and to the Trial and Punishment of such Offenders, and to all Acts necessary for such Trial, or consequent thereon, subject to the Provisions herein-after contained,

Justices may commit alleged Offenders to such Prisons.

5 G. 4. c. 85.

6 & 7 W. 4. c. 105.

Repeal of Enactment authorizing Agreements at quarterly Meetings of Council.

II. And be it enacted, That so much of any Act as enacts that any such Agreement shall be made by the Council of any Borough at a quarterly Meeting of the Council shall be repealed: Provided always, that nothing in this Act shall affect any Contract entered into before the passing of this Act between any Justices and the Council of any Borough.

Monies to be raised as other Monies for like Purposes.

III. And be it enacted, That all Monies to be paid under any Agreement authorized by this Act, for building, rebuilding, repairing, or enlarging any Gaol, House of Correction, Court House, or other necessary Buildings as aforesaid, shall be raised in the same Manner and subject to the same Conditions as Monies to be raised by any Justices, or by the Council of any Borough, for building, rebuilding, or enlarging any Gaol or House of Correction under their Management respectively; and all Monies to be paid toward the current annual Expences of such Gaol, House of Correction, Court House, or other necessary Buildings as aforesaid, and toward defraying all other Charges incurred by the contracting Parties, or either or any of them, in carrying such Agreement into effect, shall be raised in the same Manner and subject to the same Conditions as Monies to be raised by the Justices of any County, or the Council of

any Borough, for defraying the ordinary current Expenditure of their several Gaols and Houses of Correction.

Justices in Quarter Sessions may appoint a Committee of Justices to make such Agreements.

IV. And be it enacted, That it shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled, due Notice having been previously given according to the Practice of the said Sessions, to take into consideration the Expediency of making any such Agreement as aforesaid with any of such Parties aforesaid, and, if the Justices then and there assembled shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Justices for the said County to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid, for the Purposes aforesaid, and from Time to Time, at such Quarter Sessions, or at any Adjournment thereof, to fill up any Vacancy in the said Committee by Death, Resignation, or otherwise; and every Justice so appointed shall continue to be a Member of the said Committee for the Period herein-after specified, provided that he so long continue a Justice of the Peace for such County.

Councils of Boroughs may appoint a Committee of Justices to make such Agreements.

V. And be it enacted, That it shall be lawful for the Council of any such Borough, at a Special Meeting to be called for that Purpose, to take into consideration the Expediency of making any such Agreement as aforesaid with any of such Parties as aforesaid, and, if the Council shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Justices for such Borough to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid for the Purposes aforesaid, and from Time to Time at a quarterly Meeting of the Council to fill up any Vacancy in the Committee by Death or Resignation or otherwise; and every Justice so appointed shall continue to be a Member of such Committee for the Period herein-after specified, provided that he shall so long continue a Justice of the Peace for such Borough.

Committees to unite to form One Committee.

VI. And be it enacted, That the Committees so appointed shall be deemed to represent severally each of the contracting Parties, and shall meet forthwith and form One joint Committee for the Despatch of Business, and, due Consideration being had of the relative Position of the Parties, the Population, the Amount of Crime, the Distance from any existing Gaol, and all other Matters bearing upon the Subject of Inquiry, shall set out the District or Districts of such County or Counties which it would be in their Judgment expedient to unite together, or to any One or more such Boroughs, for all or any of the Purposes of this Act, and shall draw up an Agreement touching the same, which shall distinctly set forth the Extent to which the contracting Parties intend to carry into execution the Purposes aforesaid, or any of them, which Agreement, when subscribed by the greater Number of the Justices severally representing each of the contracting Parties, and approved and confirmed as herein-after directed, shall be binding upon all the said Parties to all Intents and Purposes.

VII. And

Certain Particulars to be stated in the Agreement.

VII. And be it enacted, That every such Agreement shall specify the Place where such Prison and other Buildings are or are to be situated, and the District of the County or Counties which it shall be proposed to unite with any other similar District, or with any One or more Boroughs, for the Purposes of this Act, the Limits of such District being defined, and the Area and Population of the same, as well as of the several Boroughs, being set forth as well as the same may be known; and such Agreement shall further specify the Number of Prisoners for which it is proposed that Accommodation should be provided, distinguishing between the Numbers to be provided for in the Common Gaol, in the Debtors Ward, and in the House of Correction respectively; and such Agreement shall further specify the Proportion in which the Expences of purchasing the Site, and of building, finishing, and fitting such Prison and such other Buildings (if requisite), or of rebuilding or enlarging any such Prison or Buildings, as the same may be, shall be borne by each of the contracting Parties,

Further Particulars, of current Expenditure, to be stated.

VIII. And be it enacted, That such Agreement shall further state the Amount of Salaries proposed to be paid annually to the Governor, Chaplain, and Assistant Chaplain or Assistant Chaplains, or Medical Officers, Matron, and such other Officers and Assistants as may be therein specified; and such Agreement may further state the Sum (over and above the Outlay for ordinary Repairs and Expenditure) which the Committee will recommend that the contracting Parties should put annually at the Disposal of the Committee, as a Reserve Fund for internal Improvements or to meet extraordinary Emergencies; and such Agreement shall further state the Proportion in which such Salaries, such Reserve Fund, and such Expences as may be incurred in respect of the ordinary Repairs of the said Prisons and other Buildings, and the Government and Discipline of the said Prison, the Maintenance, Management, and Custody of Prisoners, and all other ordinary and current Expences of the said Prison, shall be apportioned on each of the contracting Parties, also the Period of Time, not less than Three Years, for which the first Agreement for this last-mentioned Proportion shall endure: Provided always, that at the Expiration of such Period the Agreement shall nevertheless continue in force until altered and renewed upon such Terms and in such Manner as is herein-after directed,

Agreements to be approved by the Justices and Councils separately, and confirmed by Her Majesty.

IX. And be it enacted, That wherever any Agreement shall have been so entered into and signed, the Joint Committee shall report the Agreement for Approval to the General or Quarter Session of the Peace of every such County holden next after the making thereof, and to a Special Meeting of the Council of every such Borough to be convened for the Purpose, and shall deliver to the Court and Council respectively a Duplicate of the Agreement, to be filed by the Clerk of the Peace and by the Town Clerk of each of the said Parties respectively, to be by them kept with the Records of the several Parties aforesaid: Provided always, that no such Agreement shall be valid until the same shall have been approved by the said several Parties in manner aforesaid, and until the same shall have been confirmed by Her Majesty as herein-after directed: Provided also, that if such Agreement

Agreement be not so approved it shall be lawful for the said contracting Parties severally to refer the same back for Re-consideration to the said Joint Committee, after which the same shall be again reported, until finally approved and confirmed as aforesaid, or until any of the Parties shall break off the Agreement. If not approved, to be referred back to Joint Committee.

X. And be it enacted, That each of the said Parties shall forthwith cause such Agreement, if by them approved, to be laid before One of Her Majesty's Principal Secretaries of State; and in all Cases in which the Prisoners, or any Part thereof, committed to the said Prison, are to be sent for Trial before the Recorder of any Borough, such Borough being one of the contracting Parties, the Agreement shall also set forth the Sum which, in the Judgment of the Joint Committee, ought to be paid by every such County to the Recorder as an additional Salary in respect of the additional Duties thereby imposed on him; and the Justices of the said County, if the Agreement shall be approved by them, shall forthwith cause an Undertaking on the Part of the said County to pay the same to the Recorder in that Behalf, to be laid, with such Agreement, before the Secretary of State; and it shall be lawful for Her Majesty, if She shall think fit, by the Advice of Her Privy Council, to approve and confirm such Agreement by Order in Council, and to appoint that such Prison, when certified by One of Her Majesty's Principal Secretaries of State as fit for the Reception of Prisoners, shall thenceforth be used as a Common Gaol for such Debtors as shall have been in the said Agreement specified, and as a Common Gaol and House of Correction for Persons duly confined therein in respect of any Offence committed within such District or Borough aforesaid. Agreements to be laid before Secretary of State; to set forth the Salary to be paid to Recorders for any additional Duties thereby imposed. Agreement may be confirmed by Order in Council; and thenceforth Prison to be used as a Common Gaol.

XI. And be it enacted, That as soon as any such Agreement shall have been approved by all the contracting Parties, and confirmed by Her Majesty, with the Advice aforesaid, the said Joint Committee shall re-assemble forthwith for the Purpose of carrying the said Agreement into execution, and shall elect a Chairman, who in all Cases of an Equality of Voices shall have a casting Vote, and shall make Regulations with respect to their future Meetings, and the Mode of convening the same, and shall appoint a fit Person to act as Clerk to the said Committee, and shall fix the Salary of the said Clerk, such Salary, until the First Meeting of the Court of Gaol Session herein-after provided, to be paid out of and to be reckoned Part of the Capital provided for building, rebuilding, or enlarging the Prison, and afterwards to be paid and reckoned as Part of the current Expenditure; provided always, that such Salary shall in no Case exceed the Sum by the said Agreement fixed as the Salary of the Clerk of Gaol Sessions: Provided also, that it shall not be lawful for such Committee to do any Act unless there shall be present at such Meeting at least One Justice representing each of the contracting Parties. Joint Committee to re-assemble for carrying the Purposes of the Agreement into execution. Proviso.

XII. And be it enacted, That all Powers given by the said recited Acts of the Fourth Year and Fifth Year of the Reign of King *George* the Fourth, for purchasing, selling, conveying, and taking Lands and other Premises for the Purposes therein specified, and for ascertaining Powers of Joint Committee with respect to purchasing Lands, &c.

the Value, and for the Conveyance, and for the Application of the Compensation for the same, and all other Provisions of the said Acts relating thereunto, shall, as far as may not be inconsistent with the Provisions of this Act, extend to all Purchases to be made under and by virtue of the same; and all Things by either of the said last-recited Acts directed to be done at any General or Quarter Session of the Peace, in relation to any of the Matters herein-before last mentioned, may be done, in respect of any Purchases to be made under or by virtue of this Act, by the said Joint Committee, at Special Meetings to be called for the Purpose, subject to the Provisions of this Act; and all Powers which the Justices of any County possess by virtue of the said last-recited Acts, or by any other Act relating to any of the Matters aforesaid, may, in respect of the like Matters in relation to the said Prison, be exercised by the Justices constituting such Committee, in the same Manner and with the same Authority as if the said last-mentioned Justices were empowered to act generally in the Commission of the Peace for the County or Borough in which such Powers may be required.

Committee to make Contracts. Plans and Estimates to be submitted for Approval.

XIII. And be it enacted, That the said Committee shall contract with proper Persons for the Execution of such Works as aforesaid, and shall superintend the due Performance of the same: Provided always, that before any such Works shall be begun, or any Contract finally made for executing the same, the Plan of such Works, together with the Estimates of the Expence of completing the same, shall be submitted by the Committee to the several contracting Parties, and also to One of Her Majesty's Principal Secretaries of State, and shall have been approved by the several Parties in General or Quarter Session, or in Special Council, and by the Secretary of State.

Accounts to be audited.

XIV. And be it enacted, That the Expences of purchasing the said Land or other Premises, and of executing such Works as aforesaid, shall be from Time to Time rendered in Account by the said Committee, and shall be duly audited and certified to the several contracting Parties in General or Quarter Session, or in Special Council, by such Auditor or Auditors as shall be for that Purpose appointed by the several contracting Parties.

Appointment of Officers.

XV. And be it enacted, That the said Committee shall appoint for the said Prison a Governor, a Chaplain, being a Clergyman in Priest's Orders not having any other Cure of Souls, also an Assistant Chaplain or Assistant Chaplains if it shall be so provided in the original Agreement, a Surgeon or Medical Officer, a Matron, and such other Officers, Assistants, and Servants as may be necessary for the Service and Discipline of the said Prison, and may suspend or dismiss all or any of them, and, in all those Cases in which the Salaries to be paid to any of the said Officers of the Prison shall not have been fixed by the Agreement, shall fix the same as shall seem best in their Discretion.

Certificate of Completion of Prison to

XVI. And be it enacted, That when any Prison, or a sufficient Part thereof, shall have been fitted and completed for the Reception of Prisoners, and proper Officers shall have been appointed for the

Management thereof, the Committee shall certify, by Writing under the Hands of Three or more of them, to One of Her Majesty's Principal Secretaries of State, that such Prison, or a sufficient Part thereof, is so fitted and completed, and that such Officers have been appointed; and upon such Certificate it shall be lawful for the said Secretary, by an Order in Writing addressed to the several Clerks of the Peace of every County and of every Borough, being one of the contracting Parties, and to the Clerk of the said Committee, to direct that the Prison may thenceforth be used as a Prison under this Act, and that all such Debtors as are specified in the said Agreement, and all Prisoners at that Time confined in the Common Gaol or House of Correction of any Borough, being one of the contracting Parties, may (if requisite) be forthwith removed by the Keeper of such Gaol or House of Correction to the said Prison; and all Prisoners who, if originally committed to the said Prison, might have been tried and sentenced at the Sessions for any such Borough, under the Provisions of this Act, may be removed from any Gaol in which they may be then confined to the said Prison, for the Purpose of such Trial and such Sentence as aforesaid.

be sent to the Secretary of State;

who may direct the Prison to be thenceforth used as a Prison under this Act.

XVII. And be it enacted, That the Justices constituting such Joint Committee shall from Time to Time hold a Court of Gaol Sessions for every such Prison, and such Court shall possess and exercise all the Powers and Authority respecting such Prison, and all Matters relating thereto, which by any Act are vested in the Court of General or Quarter Sessions of the Peace for any County with respect to any Gaol or House of Correction belonging to such County; and where by any Act any thing is ordered to be done at any General or Quarter Session, or at an Adjournment thereof, respecting any Gaol or House of Correction therein specified, then such Things may be done with respect to such Prison at such Gaol Session, or at any Adjournment thereof, or at One or more subsequent Gaol Sessions, in such Ways and with such public Notices as in the said Acts they are ordered or directed to be done by the General or Quarter Sessions, or at an Adjournment thereof: Provided always, that nothing herein contained shall be deemed to authorize any such Court of Gaol Sessions, or such Justices of the Peace, to do any Act or make any Order touching the building, rebuilding, enlarging, or altering such Prison, or the borrowing or the levying of any Sum of Money by Rate or otherwise, the granting of any Annuity, or fixing any Salaries, or the creating any Offices, except as to all the above specified Matters in such Cases as are herein especially provided for, or to exercise any Authority whatever in the Government or Management of the said Prison contrary to the Provisions of this Act.

Committee to hold a Gaol Session.

XVIII. And be it enacted, That in the Case of every Prison built, rebuilt, or enlarged in pursuance of any such Agreement, such Prison and Place in which the Court of Gaol Sessions shall be holden as herein provided shall, for all Purposes relative to the Jurisdiction of such Gaol Sessions, and of the Justices of the Peace empowered to act in the Government of the said Prison, be deemed to be within the County and Borough to which the ordinary Powers of such Justices respectively extend.

Prison for the Purposes of Jurisdiction deemed within both County and Borough.

XIX. And

Clerk to summon the First Gaol Session.

XIX. And be it enacted, That as soon as the Clerk of the said Committee shall have received the Order in Writing of the Secretary of State as aforesaid, he shall summon the Members of the Committee to meet in Gaol Session, as soon as conveniently may be, at some Place in or near to such Prison, and the Clerk of the said Committee shall act as Clerk of the Court of Gaol Sessions.

Gaol Sessions to be holden when summoned by Two of the Committee.

XX. And be it enacted, That the Clerk of the Gaol Sessions, on receiving a Precept commanding him so to do, signed by any Two of the said Committee, shall summon the Committee to meet in a Court of Gaol Sessions, by a Notice to be published at least twice in some public Newspaper usually circulated throughout the District in which such Prison shall be situated, and also by Notice in Writing to be sent to each Member of the Committee, which Notice shall declare the Day, Hour, and Place at which such Court is to be holden; and if the Court of Gaol Sessions shall be dissolved without Adjournment, or shall adjourn for a longer Time than Three Calendar Months, the Clerk shall, by a like Notice to be issued of his proper Authority without any Precept in that Behalf, summon a Court of Gaol Sessions to be holden within Three Calendar Months next after such Dissolution or last Adjournment.

Justices to appoint the Place for holding Gaol Sessions.

XXI. And be it enacted, That at every such Court of Gaol Sessions the Justices therein assembled shall appoint the Place for holding the Gaol Session then next ensuing, and in case of no such Appointment having been made, the Session then next ensuing shall be holden at the same Place as the Session last immediately preceding, but no such Session shall be holden at a greater Distance than One Mile from the said Prison.

Visiting Justices to be appointed.

XXII. And be it enacted, That at the first Court of Gaol Sessions to be holden as aforesaid, and at some ensuing Court of Gaol Sessions, once at least in every Quarter of a Year, the said Committee shall nominate for each of the contracting Parties One Justice who shall consent thereunto, being a Justice acting for the County or Borough for which he is appointed, and, if a County Justice, residing within the District set out in the Agreement aforesaid, and the Justices so appointed shall be Visitors of such Prison; and the Committee shall report the Names and Places of Abode of such Visiting Justices to One of Her Majesty's Principal Secretaries of State; and such Visiting Justices shall discharge the same Duties and exercise the same Power and Authority in respect of such Prison, and all Matters relating thereto, as may now be discharged or executed by any Visiting Justices appointed in respect of the Gaol of any County, save that, instead of reporting to the General Quarter Sessions of the Peace, they shall report to the Court of Gaol Sessions aforesaid.

Treasurer to be appointed.

XXIII. And be it enacted, That the said Committee shall appoint a Treasurer, who shall not be the Clerk of the Committee; and the Treasurer shall receive and pay all Monies to be received by or to be disbursed by Order of the Committee, either in building, rebuilding, or enlarging the Prison, or when sitting as a Court of Gaol Sessions, and shall give Discharges for the Monies received, and apply

apply the same as by the said Committee shall be directed, and shall keep a distinct Account of such Monies received and paid, and shall from Time to Time, when called upon by the said Committee, account, upon Oath if required, for all Monies so by him received, and deliver in all Vouchers respecting the same; and such Treasurer shall give such Security for faithful Performance of his Duty as the Committee shall direct, and shall receive such Salary as shall be directed in the Agreement, or, in default thereof, as the Committee shall direct.

Accounts to be examined by the Committee and signed by the Chairman;

Balance Sheet to be made out;

Copy thereof to be laid before the Quarter Sessions and Council.

XXIV. And be it enacted, That the Accounts kept by the said Treasurer, and all other Accounts relating to the said Prison, except such as are herein otherwise provided for, shall, together with all Receipts and Vouchers for the same, be examined from Time to Time by the said Committee, and shall be verified, on Oath if required, by the several Parties keeping and rendering the same, and, if duly allowed by the said Committee, shall be signed by the Chairman; and the said Committee shall cause a Balance Sheet, setting forth the current Expenditure incurred in respect of the said Prison, and all other Matters authorized by the original Agreement between the Parties and by the Provisions of this Act, to be made out once in every Quarter of a Year; and the Clerk of such Gaol Sessions shall cause a Copy of the said Balance Sheet, signed by the Chairman of the Committee, to be forthwith sent to the Clerk of the Peace of every County, and to the Town Clerk of every Borough, being one of the contracting Parties; and every such Clerk of the Peace and Town Clerk shall cause the same to be laid before the then next ensuing General or Quarter Sessions of the Peace for the said County and the then next ensuing quarterly Meeting of the Council of the Borough; and such Balance Sheets, having been so submitted for Inspection, shall be filed amongst their respective Records by every such Clerk of the Peace and Town Clerk respectively.

Orders for Money.

XXV. And be it enacted, That the Committee from Time to Time shall estimate, as correctly as may be, what Sum of Money will be required for Payment of the Expences then already incurred or to be incurred in carrying into effect the Provisions of this Act, and shall make an Order accordingly; and their Clerk shall forthwith send a Copy of such Order, signed by the Chairman, mentioning the Sum of Money to be paid by virtue thereof, according to the Proportions defined by the Agreement then in force by each County or Borough, being severally contracting Parties as aforesaid, to the Treasurers of the said Parties respectively, which Treasurers shall forthwith, out of the Monies in their Hands, or if those Monies shall be insufficient, then so soon as sufficient Monies shall come to their Hands, pay the Sum required to the Treasurer of the said Committee, and take his Receipt for the same, and the Receipt of the Treasurer of the said Committee shall be a sufficient Discharge to the Treasurer of such County or Borough respectively.

Justices and Council may appoint Com-

XXVI. And be it enacted, That it shall be lawful for the Justices of the Peace of any County, and for the Council of any Borough, being Parties so contracting as aforesaid, by their several Committees

mittees to inspect Prisons.

appointed by them in General or Quarter Session or Quarterly Meeting respectively for that Purpose, to inspect at the said Prison all Books, Papers, Accounts, Vouchers, and other Documents relating to the Prison, and to the Government and Management thereof.

Reports to the Gaol Sessions.

XXVII. And be it enacted, That all Reports and Statements directed by the said recited Acts of the Fourth Year and Fifth Year of the Reign of King *George* the Fourth to be made to the General or Quarter Sessions shall be transmitted, on or before the First Days of *January*, *April*, *July*, and *October*, to the Clerk of the said Gaol Sessions, and be by him laid before the Court at the Gaol Session then next ensuing.

Proceedings to be notified to Secretary of State.

XXVIII. And be it enacted, That the Chairman of every Court of Gaol Sessions holden next after the First Day of *October* in each Year shall, within Fourteen Days after the Determination of such Sessions, or any Adjournment thereof, send to One of Her Majesty's Principal Secretaries of State such Account of Proceedings, and such Copies of Rules and Regulations, as in and by the said last-mentioned Acts are ordered to be transmitted by the Chairman of the *Michaelmas* Quarter Sessions, and shall at the same Time, or within Three Calendar Months afterwards, transmit such Plans as in the said Acts are mentioned.

Reports and Returns to be made as in other Prisons.

XXIX. And be it enacted, That the Return by any Statute at any Time in force directed to be made by the Keeper of every County Prison shall be made by the Governor of every Prison built, rebuilt, or enlarged under any Agreement authorized by this Act, and shall be delivered to the Clerk of the said Gaol Sessions Two Weeks at least before the First Day of *October* in each Year; and such Clerk shall, on the said First Day of *October*, prepare a General Report, founded on the Report of the Visiting Justices and of the Chaplain, and on the Certificates and Reports of the Governor and other Officers of the said Prison, and on any other Report or Document respecting the said Prison, and shall lay the same before the next Court of Gaol Sessions; and such Report, when approved by such Court, shall be signed by the Chairman thereof; and the said Clerk of Gaol Sessions shall forthwith cause true Copies thereof, and of the said Return, to be made, and shall send forthwith a Copy of each to the Clerk of the Peace of every contracting Party, whether County or Borough, to be by such Clerk of the Peace laid before the next Court of Quarter Sessions of the Peace holden for their County or Borough, and shall send like Copies to the Town Clerk of every Borough being a contracting Party, to be by him laid before the next Meeting of the Council, and shall also send like Copies to One of Her Majesty's Principal Secretaries of State.

Penalties for Offences respecting the Prison.

XXX. And be it enacted, That if any thing be done respecting any Prison built, rebuilt, or enlarged under any Agreement made by Authority of this Act, for which any Fine, Penalty, or Forfeiture would have been incurred under the last-recited Acts or either of them if done respecting any Gaol or House of Correction to which such Acts or either of them extend, and would by virtue thereof

have been payable to the County Treasurer, all Forfeitures, Fines, and Penalties for such Matter or Thing, when done respecting such Prison, shall be paid to the Treasurer of the Gaol Sessions for the Purposes of defraying the Expences of the said Prison.

Revision of Agreement.

XXXI. And be it enacted, That on the Termination of the Time limited by the Agreement touching the Proportion to be contributed by each of the contracting Parties towards the current annual Expenditure aforesaid, as fixed by the original Agreement aforesaid, the Committees representing the several contracting Parties, and jointly constituting the Joint Committee, may severally proceed to propose such revised Proportion to the Court of Gaol Sessions, and also the Period, being not less than Seven Years, for which such revised Proportion shall endure, and the Court of Gaol Sessions shall take every such Proposal into consideration: Provided always, that no such Proposal shall be made unless the Intention of proposing such Alteration shall be expressed in the Notice whereby the said Court is summoned, and unless such Notice shall be published for One Calendar Month at least before the holding of the Court at which such Alteration shall be so taken into consideration.

Disputes to be settled by Arbitration.

XXXII. And be it enacted, That when the Court of Gaol Sessions shall resolve that any such Alteration ought to be made, or shall not adopt a Proposal for making any such Alteration, and any of the contracting Parties shall be dissatisfied with such Resolution, it shall be lawful for the Clerk of the Peace of any County, and for the Town Clerk of any Borough, such County or Borough being One of the Parties so contracting, and such Clerk being thereunto authorized respectively by an Order from the Court of Quarter Sessions of such County, or from the Town Council of such Borough in Special Council assembled, as herein-before provided, to apply to One of the Prison Inspectors appointed by the Secretary of State to visit that Prison; and such Inspector shall have Power to arbitrate between the said Parties; and the said Arbitrator shall summon the several Clerks of the Peace and the Town Clerks of the several Parties so contracting as aforesaid, the Clerk of such Gaol Sessions, the Governor of the said Prison, and such other Persons as he may require, to appear before him at a Time to be by him appointed, and there to give Evidence on Oath, which such Arbitrator shall be empowered to administer, and to produce all Information touching the Matter in dispute; and such Arbitrator may, if he shall see fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties as shall appear to him necessary, and shall by his Award in Writing determine the Matters in dispute, and his Award shall be final and conclusive between the Parties for Seven Years, and until a Proposal for further Revision shall be made after the End of such Term of Seven Years as aforesaid; and such Arbitrators shall assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Committee may recommend Alterations.

XXXIII. And be it enacted, That if it shall at any Time appear to the said Committee that the said Prison or other Buildings should be rebuilt or enlarged, or undergo such Alterations as do not come within

within the Description of ordinary Arrangement or ordinary Repair, or that it may be desirable to increase or reduce any of the Salaries set forth in the existing Agreement, or to grant any Annuity to a retired Officer of the Establishment, or to make any other special Provision in furtherance of the Objects of this Act, it shall be lawful for the said Committee to make a special Report thereon to each of the Parties so contracting as aforesaid, to be laid before the Justices in Quarter Session and before the Council of the Borough respectively; and if on taking the same into consideration, with due Notice thereof, as is required upon making the first Agreement, such Report be approved by the contracting Parties, it shall be lawful for such Parties to direct the said Committee to draw up the necessary Agreement, and upon the Approval and Confirmation of such Agreement, in the same Manner as upon making the first Agreement, to carry into execution such Matters as shall have been mutually agreed on, in the same Manner, and with the same Powers, and subject to the same Provisions as in the first building, rebuilding, or enlarging such Prison or other Buildings, as herein-before specified.

Committee to be re-elected every Year.

XXXIV. And be it enacted, That on the Ninth Day of *November* next after the Completion of Twelve Calendar Months from the Day of holding the first Court of Gaol Sessions as aforesaid, and on the Ninth Day of *November* in every succeeding Year, the Committee constituting such Court of Gaol Sessions shall go out of Office; and the Justices of every County, being a Party so contracting as aforesaid, shall at the Court of Quarter Sessions next immediately preceding the said Ninth Day of *November*, and the Town Council of every Borough, being a Party so contracting, shall, at the quarterly Meeting of the Council to be holden on the said Ninth Day of *November*, appoint fit Persons to perform the Duties of such Committee; and such Appointment shall be made from amongst the like Person and in the same Manner, and subject to the like Conditions, as are herein-before provided for the first Appointment of the said Committee: Provided always, that any Member of the said Committee so going out of Office shall be capable forthwith of being re-appointed if then duly qualified.

Sale of old Prisons.

XXXV. And whereas by the said recited Act of the Fourth Year of King *George* the Fourth Provision was made for the Sale, in certain Cases, of the Sites of old Prisons no longer necessary: And whereas by an Act passed in the Seventh Year of King *George* the Fourth, intituled *An Act for the Disposal of unnecessary Prisons in England*, Provision was made for extending the same Power to other Cases; be it enacted, That all the Powers contained in the Two last-recited Acts touching such Sale, and such other Matters relating thereunto as are therein specified, shall be vested in the several Councils of the Boroughs, being contracting Parties to any such Agreement as aforesaid, in respect to the Sale of any similar Property in such Boroughs, and to any other Matters relating thereunto; and all Acts directed in the said recited Acts to be done at any Court of Quarter Sessions, touching such Sales and such other Matters aforesaid, may be done in respect to the Sale of any similar Property in such Boroughs, and to any other Matters relating thereunto, at a

7 G. 4. c. 18.

Special

Special Meeting of such Council to be holden for the Purpose: Provided always, that in all such Boroughs, unless there be a Provision in the Agreement for accommodating all the Borough Debtors in the District Gaol, a Portion of the old Prison shall be fitted up as a Debtors Prison or Debtors Ward.

One Court to be holden for the united District.

XXXVI. And be it enacted, That One Court shall be holden for the united District of such Borough and the District of the County with which it shall be so joined, and the Jurisdiction of the Court of such Borough shall extend over the whole of such united District; and the Recorder of that Borough shall be the Recorder for the united District, and shall hold Courts of Sessions of the Peace for the united District; and the Clerk of the Peace of such Borough shall, for all the Purposes of this Act, be the Clerk of the Peace for the united District; and all Depositions, Recognizances, and other Documents relating to Prisoners committed to such District Prison shall be returned to the Clerk of the Peace acting for the united District.

Who to be Jurors.

XXXVII. And be it enacted, That in every such Case the Hundreds, Parishes, Townships, or other Districts so united with the Borough, for the Purpose of holding such District Court therein, shall be taken to be within the Provisions of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries;* and the Persons therein residing, and qualified to serve on Juries under the last-recited Act, shall be liable to serve as Jurors at the Sessions holden for such Borough and united District, and shall be returned in the Jury Lists to the High Constable, and by him to the Clerk of the Peace of the County in which such District is situated.

6 G. 4. c. 50.

List of Jurors to serve at the Borough Sessions.

XXXVIII. And be it enacted, That the Clerk of the Peace for such County shall send a Copy of the Lists of Jurors which he shall receive, relating to the said Hundreds, Parishes, Townships, or other Districts, to the Clerk of the Peace for such Borough, and the Jurors named in the said Lists shall be taken to be within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, with regard to Persons liable to serve upon Juries at Quarter Sessions of the Peace within such Borough.

5 & 6 W. 4. c. 76.

Jurors Book.

XXXIX. And be it enacted, That the Clerk of the Peace for the Borough shall include the Names so sent to him, with the Names of the Burgesses liable to serve on Juries at the Court of Quarter Sessions for the said Borough, in One alphabetical List, which shall be the Jurors Book for the said Borough and adjacent District so united with it, for the Purpose of the said Court; and the Number to be summoned to attend any such Court shall be such as the Recorder shall think necessary for the Business of the Court, not being in any Case less than Thirty-six; and the Clerk of the Peace for the Borough shall have the same Powers for summoning Jurors from the Portion of the County comprised in the united District as

are by Law vested in the Sheriff for the County for the like Purpose.

Jurors attending Borough Sessions to be exempted as at County Sessions.

XL. And be it enacted, That the Clerk of the Peace for such Borough shall, within Twenty Days after the Close of each District Session holden in that Borough, make out and transmit to the Clerk of the Peace of the said County a List of such Men who shall be summoned from such Hundreds, Parishes, Townships, or Districts, and who shall attend or serve on any Grand Jury or Petty Jury at such Borough Session, with their respective Places of Abode, and Additions, and the Date of their Services; and every Man so summoned, and having duly served or attended until discharged by the Court, shall be entitled, on Application, before he shall depart from the Borough, and upon Payment of One Shilling, to receive a Certificate thereof from the Clerk of the Peace of such Borough, and shall be entitled to the same Exemptions from being summoned to attend at any future Session to be holden either for the Borough or for the County, and shall be in every respect on the same Footing and enjoy the same Privileges as if he had been summoned and had attended and served at any Session of the Peace for the said County.

District may be divided among Boroughs for Trial of Prisoners.

XLI. And be it enacted, That in every Case in which more than One Borough having a Court of Sessions of the Peace shall be a Party to the Agreement aforesaid, the District so united as aforesaid shall be divided into as many Divisions as there shall be Boroughs included in such Agreement; and to each of such Boroughs shall be apportioned such a Division of the said District as shall be more immediately adjacent thereunto, and shall be set forth in the Agreement, regard being had to the Amount of Population in the whole District, and the other Circumstances of the Case; and all Prisoners committed to the said Prison for any Offence committed within any Division aforesaid shall be sent for Trial to the Sessions of the Peace holden for that Borough to which such Division shall have been apportioned, and the Provisions herein-before contained with respect to Jurors, and the Return of Convictions, Depositions, Recognizances, and other Documents for the united District, shall apply in each Case to the Division apportioned to each Borough.

Providing for Expences of District Courts.

XLII. And in order to provide for the Mode of defraying the Expences of the said District Courts as herein-before authorized, be it enacted, That the said Court shall be empowered to order the Treasurer of the said Committee to defray, out of any Monies in his Hands as such Treasurer, the Expences incurred in holding the said Courts, and also to pay such Costs, Charges, and Expences as to the Court shall seem reasonable, to Prosecutors, Witnesses, and others before the said Court, in such and the like Cases as the Court of Sessions of the Peace holden for any County is empowered to make Orders on the Treasurer of the County for Payment of the like Costs, Charges, and Expences upon Prosecutions or Trials before such last-mentioned Court; and the Treasurer of the Committee, or some Person authorized by him, shall attend the said District Courts, and shall pay such Costs, Charges, and Expences accordingly.



XLIII. And

XLIII. And be it declared and enacted, That neither the Recorder for such united District, nor any Barrister at Law appointed by Her Majesty to hold any Court of General Sessions of the Peace or Gaol Delivery for any Borough, District, or Place, shall be empowered at any Court holden by him to try any Person or Persons for any Treason or Felony which, by an Act passed in this Session of Parliament, intituled *An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace*, the Recorder of any Borough is restrained from trying at any Session of the Peace.

Recorder of united District, &c. restrained from trying certain Officers. 5 & 6 Vict. c. 38.

XLIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to confirm or render valid, or in anywise to affect, the Charters of Incorporation granted by Her Majesty in the Year One thousand eight hundred and thirty-eight, upon the Petition of certain of the Inhabitants of the Towns of *Birmingham*, *Manchester*, and *Bolton* respectively, or any One of such Charters, or any Act done or to be done in pursuance of any such Charter.

Act not to affect Corporations of Birmingham, Manchester, and Bolton.

XLV. And be it enacted, That in this Act, unless the Context shall require a different Construction, the Word "Prison" shall be taken to mean a Gaol and House of Correction; and the Word "County" shall mean and comprise every Riding, Part, or Division of a County, and every Liberty having a separate Commission of the Peace; and the Word "Borough" shall mean and comprise a City, Town, or Port, as well as a Borough; and the Word "Prisoners" shall include Persons committed to Prison for Want of Bail or Securities, as well as Persons charged with or convicted of any Offence, or otherwise detained by legal Authority.

Interpretation of Act.

XLVI. And be it enacted, That this Act shall commence and take effect from the First Day of *September* in the Year One thousand eight hundred and forty-two.

Commencement of Act.

XLVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c. this Session.

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