

ANNO SECUNDO & TERTIO.

VICTORIÆ REGINÆ.

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passed in the Eleventh Year of the Reign of His Majesty King *George* the Second, intituled *An Act for more effectual disarming the Highlands, and for the better securing the Peace and Quiet of that Part of the Kingdom*, whereby the Assessment, Collection, and Management of the Money termed the Rogue Money is authorized in the several Shires and Stewartries for defraying the Charges of apprehending of Criminals, subsisting them in Prison until Prosecution, and of prosecuting such Criminals for their several Offences by due Course of Law: And whereas an Act was passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing the Heritable Jurisdictions in that Part of* Great Britain *called* Scotland, and for other Purposes therein mentioned, whereby certain Regulations were made relative to Prisons used by Barons or Heritors of Lands having Criminal Jurisdiction not thereby taken away: And whereas an Act was passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to enable Counties and Stewartries in* Scotland *and to give Aid to Royal Burghs situated therein, for the Purpose of improving, enlarging, or rebuilding their Gaols, or to improve, enlarge, or rebuild Common Gaols of Counties or Stewartries which are not the Gaols of Royal Burghs:* And whereas an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend an Act of the* Scottish *Parliament relative to the Aliment of poor Prisoners:* And whereas another Act was passed in the Tenth Year of the Reign of His said Majesty, intituled *An Act for directing Reports to be made respecting Gaols in* Scotland; and in conformity to the Provisions of the said Act certain Reports have been made, which have been laid before Parliament: And whereas various Local Acts have also from Time to Time been passed, whereby and by virtue of the before-recited Act of the Fifty-ninth Year of the Reign of His Majesty King *George* the Third Assessments have been authorized to be levied in various Burghs, and also in various Counties in aid of the Burghs situated therein, for the building and Management of Prisons, Bridewells, and other Places of Confinement, and the Maintenance of Prisoners, and the Expences of obtaining such Local Acts: And whereas His late Majesty King *William* the Fourth, by His Royal Commission dated the Fifteenth Day of *July* One thousand eight hundred and thirty-three, directed Letters Patent to be forthwith made and passed under the Seal appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of *Scotland*, authorizing and appointing certain Commissioners to make a general Inquiry into the State and Condition of the several Cities, Burghs, and Towns of *Scotland;* and the said Commissioners have presented a Report dated the Fifth Day of *August* One thousand eight hundred and thirty-five, wherein they report, amongst other things, as to the Management of Gaols, which Report has been laid before Parliament: And whereas by an Act passed in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, One of Her Majesty's Principal Secretaries of State is empowered to appoint Inspectors of Prisons in any Part of the

11 G. 1. c. 26.

20 G. 2. c. 43.

59 G. 3. c. 61.

6 G. 4. c. 62.

10 G. 4. c. 54.

5 & 6 W. 4. c. 38.

Kingdom of *Great Britain*, who should make, and transmit to One of Her Majesty's Principal Secretaries of State, yearly Reports of the State of every Prison visited by him, Copies of which Reports should be laid before Parliament: And whereas by virtue of the said last-recited Act an Inspector of Prisons has been appointed to act in *Scotland*, who presented a First Report dated the Third Day of *February* One thousand eight hundred and thirty-six, a Second Report dated the Twenty-fifth Day of *February* One thousand eight hundred and thirty-seven, and a Third Report dated the Thirteenth Day of *March* One thousand eight hundred and thirty-eight, all of which Reports have been laid before Parliament: And whereas the Prisons in *Scotland* are in general insecure and incommodious, and incapable of admitting of the Adoption of a good System of Prison Discipline therein: And whereas it is expedient to train the Prisoners in good and industrious Habits by effecting their complete Separation from vicious Society, and by affording them Religious and Moral Instruction, and employing them in useful Labour: And whereas the Burden of providing and maintaining Prisons, and of supplying Aliment to Prisoners therein, has been imposed on Burghs by ancient Laws and Usages; but the Funds thereof are now inadequate for these Purposes, and it is inexpedient that the Burghs should continue liable to the Burdens and Obligations wherewith they are chargeable in respect of Prisons and Prisoners: And whereas the Aid given by Counties to Burghs for the aforesaid Purposes is varying and uncertain, and in many Cases cannot be obtained efficiently or without great Difficulty and Expence: And whereas it is expedient, with a view to the Adoption of efficient Means for the Punishment and Repression of Crime and Reformation of Criminals, that Provision should be made for the Erection and Maintenance of more secure and convenient Prisons, and for the better Management thereof, and the Establishment of a well-regulated System of Prison Discipline therein, by the Appointment of a Board of Directors of Prisons acting on a uniform System, and invested with Power to erect and maintain proper Prisons, and to regulate the Discipline and Management of all Prisons, in *Scotland*, and for raising the necessary Funds by means of a general Assessment on Property within the several Counties and Burghs in manner hereinafter provided: Be it therefore 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 a General Board of Directors shall be and the same is hereby established for carrying into effect the Purposes of this Act; and the said Board shall consist of the Persons following; namely, the Lord Justice General in *Scotland*, the Lord Justice Clerk, the Lord Advocate, the Solicitor General, the Dean of the Faculty of Advocates, all for the Time being, together with Fourteen other Persons, Five of whom shall be Persons holding or who shall have held the Office of Sheriff Depute, whom it shall be lawful for Her Majesty, after the passing of this Act, by Warrant under the Royal Sign Manual, to appoint; and the said Board shall be and be styled "The General Board of Directors of Prisons in *Scotland*;" and the said Board may sit from Time to Time as they deem expedient as a Board of Directors for carrying this Act into execution; and it shall also be lawful for Her Majesty, Her Heirs and

General Board of Directors of Prisons established.

and Successors, to remove any of the said Members of the Board or any Member thereof to be hereafter appointed, and to supply any Vacancy which may occur in the said Board.

Directors to derive no Emolument.

Their Expences to be paid.

II. And be it enacted, That no Director shall derive any Profit or Emolument for the Discharge of the Duties of his Office as a Member of the Board, nor shall be personally liable for any thing done by him *bonâ fide* in virtue of his Office in the Execution of this Act or in the Exercise of the Powers herein contained: Provided always, that any necessary Expences incurred by the Board or Committees appointed by them, or by individual Members of the said Board, in execution of this Act, shall be paid out of the Funds raised by and under the Management of the said Board by virtue of this Act; and an Account of such Expences shall be annually laid before Parliament in manner herein-after provided.

Secretary to the Board.

III. And be it enacted, That it shall be lawful for Her Majesty, and Her Heirs and Successors, to appoint a fit Person to be Secretary to the said Board, to be paid by the Public, and to supply any Vacancy which may occur in the said Office; and such Secretary shall receive an adequate Salary, of such Amount as shall from Time to Time be recommended by the said Board, and be approved of by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them; and such Secretary shall find sufficient Security for his Intromissions and Management to the Satisfaction of the Board, and shall be liable to be removed by Her Majesty on the Recommendation of the said Board: Provided always, that the Name of the Person so appointed as Secretary, with the Amount of Salary allotted to him, shall be laid before both Houses of Parliament within Six Weeks after the Appointment shall be made or Salary allotted, if Parliament shall be then sitting, or if not, within Six Weeks after the Commencement of the next Session of Parliament.

Board may hold Property and Monies, and sue and be sued.

IV. And be it enacted, That the said Board may acquire and hold Heritable and Moveable Property, Monies, Goods, and Effects, and that all Titles, Securities, Investments, Receipts, and Evidences taken for the same may be taken to the said Board, by the Name and Description of the General Board of Directors of Prisons in *Scotland*, without further Description, or to and in Name of any Two or more Persons appointed Trustees by the said Board, or to and in Name of the Secretary to the said General Board for the Time being, if they shall think fit, under such Regulations as to the disposing or uplifting thereof, when taken in the Name of Trustees, or of the Secretary, as the Board shall think fit to direct; and all such Property, Monies, Goods, and Effects being so taken and vested shall be deemed to be held for the Use of the said Board for the Time being for the Purposes of this Act, and shall pass and be transmitted to the said Board, and to such Trustees and Secretary for the Time being as shall be duly appointed, without the Necessity of any further Conveyance or Assignation; and the said Board are also authorized, for all Purposes of Civil or Criminal Action or Diligence, or Reference to Arbitration,

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to institute, defend, or enter into any such Civil or Criminal Proceedings as they may judge necessary in the Name of such Board or Secretary for the Time being; and no such Proceedings shall be discontinued or abate by any Vacancy in any of the said Offices, but may be proceeded in, to all Intents and Purposes, in the Name of the Board, or of the Secretary commencing the same, or his Successor: Provided always, that no Judge shall be disqualified from acting as such in any such Civil or Criminal Proceedings by reason of being a Member of the said Board.

Meetings of the Board.

V. And be it enacted, That the said General Board shall meet at *Edinburgh*, in the Court Room of the First Division of the Court of Session, upon *Wednesday* the Eleventh Day of *September* One thousand eight hundred and thirty-nine, at Noon, and shall thereafter hold Two General Meetings in each Year, the one upon the Second *Wednesday* of *January*, and the other upon the Second *Wednesday* of *September*, in each Year; and at such First Meeting, and at all other Meetings to be held under this Act, Five shall be a Quorum; and the said Board shall have Power to adjourn for such Time and to such Place as they shall see fit; and it shall be lawful also for the said General Board to hold special or *pro re nata* Meetings, which may be called by the Secretary upon Requisition by any Two Members; provided that such Notice shall be given in Writing by the Secretary as the Board shall hereafter direct, and that all Notices of special or *pro re nata* Meetings shall specify the Business or Matter on which such Meeting is called.

General Board may name Committees.

VI. And be it enacted, That the said General Board shall have Power to appoint Committees of their Number, and to fix the Quorum thereof, with Power to transact all the Business hereby committed to the said General Board, or such Part thereof as the said General Board shall delegate to them; and such Committees shall report from Time to Time to the said General Board as the latter shall direct, and failing such Direction to the said General Board at its next statutory General Meeting.

Board to make Rules, subject to Approval of Secretary of State.

VII. And be it enacted, That the said Board shall be and they are hereby authorized and required, from Time to Time as they shall see Occasion, to make and submit to One of Her Majesty's Principal Secretaries of State Rules for the Management, good Order, and Discipline of Prisons and Prisoners, and for the Mode in which Contracts shall be entered into and Plans made for building, altering, or repairing Prisons, and supplying them with Food and other Articles of Consumption, and for regulating the Dietary of Prisoners, and generally for carrying into effect the Purposes of this Act; and it shall be lawful for such Secretary of State, if he shall think fit, to alter such Rules, or to make additional Rules; and he shall grant a Certificate that such Rules as submitted to him, or altered or added to, are proper to be observed and enforced; and upon such Certificate being granted such Rules shall be by the Secretary of State transmitted to the Board, and shall be effectual.

Board to record their Proceedings, and make annual Reports thereof.

VIII. And be it enacted, That the said Board shall make a Record of their Proceedings, in which shall be entered Minutes of all Meetings held by them, or any Committee appointed by them, and all Regulations or Orders made by the Board in virtue of the Powers herein given, together with full and detailed Accounts of their whole Receipts and Expenditure, and all other Matters which the Board may judge proper; and the said Board shall, on or before the Fifteenth Day of *February* in every Year, make and transmit to One of Her Majesty's Principal Secretaries of State a full Report of their whole Proceedings during the Year ending on the Thirty-first Day of *December* preceding; which Report shall, in particular, contain the Regulations made by the Board for the Management and Discipline of Prisons, with such Alterations or Additions as shall have been made by the Secretary of State as aforesaid, a Statement of the Prisons built or altered, with suitable Explanations of the Design of such Buildings or Alterations, and an Abstract of the whole Receipts and Expenditure, classifying the separate Articles thereof, and showing from whence the Receipts have been derived, and to what Purposes the Expenditure has been applied; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after such Fifteenth Day of *February*, if then assembled, or if Parliament shall not be then assembled, within Fourteen Days after the next Meeting thereof.

Each Prison, with an Exception, to be under the Management of a County Board.

IX. And be it enacted, That with the Exception of the General Prison to be established by the said General Board at *Perth*, which Prison so excepted shall be under the Superintendence and Management of the said General Board alone, each Prison shall be under the immediate Superintendence and Management of a County Board, to be appointed for such Prison in manner and with the Powers herein-after provided.

General Board to authorize certain Number of Members to be appointed for County Boards.

X. And in order to the due Establishment of the said County Boards, and the Appointment of the Members thereof, by the several Parties liable in Payment of the Assessment to be raised for the Purposes of this Act, according to the Proportion of their several Liabilities, be it enacted, That from and after the passing of this Act the said General Board shall authorize the Commissioners of Supply of the several Counties, and the Magistrates of all Burghs, contributing or liable to contribute not less than Thirty Pounds annually of Assessment to be imposed under this Act respectively, to appoint such several Numbers of Persons to form a County Board for each County as to the said General Board may seem just and expedient, which Numbers shall, without farther Appointment, be divided among the landward Part of the County and the several Burghs in such County, as nearly as possible in proportion to the Amount of Assessment to be contributed by them respectively for the Purposes of this Act.

A Prison Board for each County to be appointed.

XI. And be it enacted, That the Commissioners of Supply acting in and for each County shall, in the Year One thousand eight hundred and forty, and thereafter at their Annual Meetings usually holden on the Thirtieth Day of *April* in each Year, appoint such Number of

Persons to be Members of the County Board for such County as shall be authorized as aforesaid; and the Magistrates of the several Burghs authorized to appoint Members to the said County Board shall also in the said Year, and annually thereafter, at a Meeting in the Month of *April*, severally appoint such Number of Persons to be Members of such Boards as may be authorized as aforesaid; and the Persons so appointed by the said Commissioners of Supply of the several Counties, and by the Magistrates of Burghs within such Counties, shall be a Board for the Purpose of carrying this Act into execution within such County, under the Direction of the said General Board, and shall be and be called the Prison Board for such County; and the said Prison Board shall remain in Office for One Year from the Time of their First Meeting, and at each new Election the whole or any of the Members of such Board may be re-elected: Provided always, that the Sheriff Depute of each County for the Time being, or in his Absence the Sheriff Substitute, acting at the head or returning Burgh of the County, shall, by virtue of their Offices, be Members of such County Boards.

Meetings of County Prison Board.

XII. And be it enacted, That each County Prison Board shall hold their First Meeting at such Place within the County as may be fixed by the Sheriff Depute of the County on the Third *Wednesday* in the Month of *May* annually, and of which due Notice shall be given in Two Newspapers in general Circulation in such County; and at such Meeting each County Board shall elect one of their own Number to be their Chairman and Convener; and such Chairman shall, in case of an Equality of Votes, have a double or casting Vote; and each County Board shall from Time to Time hold its Meetings at some Place within the County, and shall, under the Direction of the said General Board, fix and establish the Rules by which the Meetings of such Board or Committee thereof shall be convened, and by which their Proceedings shall be governed; and each County Board may appoint Committees of their own Number for the Management of the several Prisons within such County, or for the Performance of the several Duties required to be performed by such Board, and fix the Quorum thereof, and may delegate to such Committees such Powers as they may think fit, the same being expressed in the Minute of their Appointment; and Three shall be a Quorum of such County Boards.

Chairman.

Committees, and Quorum of County Boards.

Members of County Boards to derive no Profit.

XIII. And be it enacted, That no Member of any County Board shall derive any Profit or Emolument, directly or indirectly, for himself or any Partner from his Office, or from the Expenditure made by the Board of which he shall be a Member, in the Execution of this Act, nor shall be personally liable for any thing done by him *bonâ fide* in virtue of his Office in the Execution of this Act, or in the Exercise of the Powers herein contained; and no Sheriff shall be disqualified from acting as such in any Civil or Criminal Proceedings which may be brought before him by reason of being a Member of any such Board.

Sheriffs not disqualified.

Members of General Board may attend County Boards.

XIV. And be it enacted, That any Member of the said General Board may attend any Meeting of any County Board or Committee thereof, and may give his Opinion on any Matters which may be under

under the Consideration of such Board or Committee, but without having any Vote; and each County Board and Committee thereof shall furnish to the said General Board such Information as to their Proceedings as the General Board may from Time to Time require.

Powers and Duties of County Boards.

XV. And be it enacted, That in each County the Prison Board thereof shall, subject to the Directions of the General Board, and excepting the said General Prison, have the immediate Superintendence and Management of the several Prisons, in Terms of this Act and of the Rules to be made in virtue hereof; and such Superintendence and Management shall, under the Provisions contained in this Act and the Rules to be made as aforesaid, include the building, altering, and repairing the said Prisons, the providing of Food and all other Articles of Consumption used therein, the furnishing Instruction and Employment to the Prisoners, and the Appointment of Keepers, Chaplains, Medical Officers, Clerks, and Teachers, and all other Persons proper to be employed, and the Suspension of the Persons so appointed until the Cause of Suspension shall be judged of and decided by the General Board; and such County Boards shall be charged with the Well-ordering and Discipline of their several Prisons; and shall (subject always, however, to the Approval of the said General Board) fix the Salaries to be paid to the Keepers and other Persons employed in such Prisons and to the Clerk of the County Board: Provided always, that the Chaplains to be so appointed to the General Prison and Prisons aforesaid shall be Minsters or Licentiates of the Established Church of *Scotland*.

Failing in County Boards, the General Board to act.

XVI. And be it enacted, That, failing the Appointment of any County Board, or in case any County Board shall decline or neglect to act in execution of the Powers and Duties hereby imposed upon them, and so long as there shall be no County Board, or as such County Board shall decline or neglect to act, the said General Board shall proceed to execute the Powers and Duties which would otherwise have devolved upon such County Board, either directly or in such way as the General Board may deem expedient; and all Acts so done by the General Board shall be as valid and effectual as if the same had been done by a County Board duly appointed and acting.

Disputes how to be adjusted.

XVII. And be it enacted, That in case any Dispute (excepting in Cases of Questions as to additional Assessment for local Buildings) shall arise between the General Board and any County Board, the same shall be referred to One of Her Majesty's Principal Secretaries of State, whose Decision shall be final.

Existing Authorities relieved of all Obligations in respect of Prisons and Prisoners.

XVIII. And be it enacted, That from and after the First Day of *July* One thousand eight hundred and forty all Obligations, Duties, Burdens, and Liabilities relative to the building, Maintenance, and Management of Prisons, and the Aliment, Discipline, and Escape of Prisoners, presently or previously to the said Date, imposed by any Law, Statute, or Usage on Magistrates of Burghs, Commissioners of Supply of Counties, or Commissioners or Trustees appointed under the Authority of Parliament, or on any other Person or Persons whatever, shall cease and determine; and the Funds hereby authorized to be raised or levied shall not be in anywise liable for the Escape of any Prisoner,

Prisoner, but reserving Action against the Gaoler for any Neglect as touching the Custody of any such Prisoner: Provided always, that nothing herein contained shall invalidate or affect any thing which shall have been done previously to the said Date, or the Right of such Magistrates, Commissioners, or Trustees to use the Powers and Authorities presently vested in them for the Purpose of recovering and obtaining Possession of Property or Monies belonging or due to them, or of raising Assessments in fulfilment or security of Obligations for which they were liable at the said Date, for Advances of Money made on the Faith and Security of such Assessments, or shall invalidate or affect any Contract *bonâ fide* made or to be made by or with any Person or Persons previous to the said Date: Provided also, that nothing herein contained shall be held to impair or affect any Obligation presently or previously to the said Date imposed by any Law, Statute, or Usage on Her Majesty, and Her Heirs and Successors, relative to Prisons or Prisoners, and particularly relative to the removing and Aliment of Prisoners; neither shall the Commutation of any Sentence relieve the Crown from any Burden to which it would otherwise have been subject; and it is hereby provided, that the Receipt of any Person appointed by the said Board for that Purpose shall be a valid and effectual Discharge of any Payments made in fulfilment of any such Obligation.

Proviso as to Her Majesty.

XIX. And be it enacted, That from and after the said last-mentioned Date all Fees of every Description payable by Civil or Criminal Prisoners to Keepers or Officers of Prisons shall be and the same are hereby abolished.

Prison Fees abolished.

XX. And be it enacted, That all existing Prisons, and all Prisons which shall exist on the said First Day of *July* One thousand eight hundred and forty, excepting the General Prison at *Perth* herein-after mentioned, together with all the Furniture and Appurtenances of the same, shall from and after the said Date be and the same are hereby vested in the County Boards herein provided; and that the said Property and Effects, and all other Heritable or Moveable Property, Monies, Goods, and Effects, vested or remaining at the said Date in the Hands of Commissioners, Magistrates, Trustees, or other Persons under any Act of Parliament, or under any Law or Usage, for the Purpose of building, repairing, or maintaining Prisons, or supplying Aliment to Prisoners, in so far as such Property, Monies, Goods, or Effects have been and are in their Hands or may be recovered by them for the aforesaid Purposes, shall at the said last-mentioned Date, or as soon as possible thereafter, be conveyed, assigned, and paid over to the said Boards, or to Persons duly authorized by them to that Effect; and such Commissioners, Magistrates, Trustees, or other Persons are hereby authorized and required to make, grant, subscribe, and deliver all necessary Dispositions, Assignations, and Conveyances of all such Property, Monies, Goods, and Effects, in order that valid Titles may be completed thereto by the said Boards, or their Trustees; but no Title to be completed thereto by the said Board or the Trustees shall alter the Tenure of any Property conveyed as aforesaid in regard to the Crown or any Subject Superior: Provided always, that where any Court House or County Rooms, or other

Existing Prisons and Prison Funds vested in the Board.

other Buildings used for local Public Purposes, form a Part of or are connected with any existing Prison, nothing herein contained shall be held to give such Boards any Right to such Court House or County Rooms or Buildings so used for local Public Purposes.

Right of Pre-emption in case of Discontinuance and Disposal of Prisons.

XXI. And be it enacted, That in case any existing Prison, which forms Part of any Building used for other Purposes as aforesaid, be discontinued and disposed of under the Powers herein given, the first Offer of the same shall be made to the Persons having Right to the other Parts of the Building at such reasonable Price as may be agreed on, or, in case of Disagreement, as may be fixed by Valuators appointed by the Sheriff of the Territory: Provided always, that the said County Boards may, with the Permission of the General Board, give up and discontinue any of the small Prisons without requiring any Price, if they shall think proper: Provided also, that where it shall happen that a Portion of one of the larger Prisons can be advantageously applied in extending the Accommodation of an adjoining Court House, the County Boards may, with the Permission of the General Board, if they think proper, give up such Portion for this Purpose without requiring any Price.

Boards to have the Management of Prisons;

XXII. And be it enacted, That from and after the said First Day of *July* One thousand eight hundred and forty the said General Board of Directors of Prisons shall, by themselves and their Officers, and by means of the County Boards herein established, possess and exercise the full Power of Administration and Management of all Prisons in *Scotland;* and the said General Board shall, by a Writing under their Hands or the Hands of any Five of them, and which shall be published in the *Edinburgh Gazette*, and in such other Manner as they shall think proper, declare and intimate from Time to Time the Names and Situations of all Prisons, and the Description of Prisoners to be received therein respectively; and all such Prisons shall be lawful Prisons for the Description of Prisoners so declared and intimated to be received therein respectively; and the said General Board shall be and they are hereby empowered, from Time to Time as they shall think proper, to authorize the County Boards herein established to discontinue and sell and dispose of any Prison, or take down and rebuild or alter the same, and to erect and provide new and more commodious Prisons within their several Counties, which shall be better adapted for the System of Discipline required to be observed, and in more suitable Situations; and the said General Board may also, from Time to Time as they shall think proper, alter and determine the Description of Prisoners to be received in any Prison; and Intimation shall be given by the said General Board in manner aforesaid of any such Discontinuance of a former Prison or Establishment of a new one, and of the Description of Prisoners to be received in any new Prison or in any Prison in which the former Description of Prisoners may be altered; and the said General Board shall have Power to appoint Keepers, Chaplains, Medical Officers, and Teachers for the said General Prison at *Perth*, under their own immediate Superintendence and Management, together with all Officers, Clerks, and other Persons required for the said General Prison at *Perth* in the Execution of this Act, and to assign to all such Persons such Remuneration

for their Services as they shall think proper; and the said General Board shall also have Power to suspend, remove, or dismiss, at Pleasure, all Keepers of Prisons and other Persons employed, whether by them in the said General Prison, or in the Prisons under the Superintendence and Management of the County Boards as herein provided; and also to give or to authorize the said County Boards to give such Compensation as the County Boards may deem just to any such Person now in Office who may be suspended or removed, and who by the Tenure of his Office and by the Nature and Duration of his Services may be entitled thereto; and the said General Board shall further possess and exercise the full Power of Administration and Management of the whole Property, Monies, Goods, and Effects to be raised and vested in them, and shall hold, use, and apply the same for the Purposes and in Terms of this Act; and the said General Board shall, by themselves or by means of the said County Boards as herein provided, possess and exercise the full Power of regulating the Confinement, Treatment, and Diet of all Civil and Criminal Prisoners, and of separating and setting them to work, and taking all due Means to train them in good and industrious Habits: Provided always, that the aforesaid Powers of the said General and Local Boards in respect of the Management of Prisons and Prison Funds and Prisoners, shall be at all Times subject to the Conditions and Limitations contained in this Act, and in the Rules to be made in virtue hereof: Provided also, that the said Boards shall not have Power to set to work any Civil Prisoners or any untried Criminal Prisoners without their own Consent, but, in case of such Civil Prisoners consenting to submit to the ordinary Rules of the Prison in regard to Work, they shall be entitled to the usual Prison Diet.

Prison Funds; and Prisoners.

XXIII. And be it enacted, That the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, and the Officers of Her Majesty's Ordnance for the Time being, shall be and they are hereby authorized and required to grant and convey to the said General Board of Directors of Prisons the Lands, Buildings, and Pertinents thereto belonging at *Perth*, and presently vested in the said Commissioners or Officers, or either of them, as the said Commissioners or Officers, or either of them, shall be directed by Her Majesty in Council to grant and convey to the said Board of Directors for the Purposes of this Act.

Her Majesty in Council may direct public Buildings at Perth to be granted to the Board.

XXIV. And in order to prevent Doubts as to what Property appertaining to the Prison of *Dundee* it is intended to vest in the said County Board, be it enacted, That nothing in this Act contained shall vest in the said County Board any Portion of the Ground or Buildings which shall extend more than Three Yards to the North of the Airing Grounds and Northern Wards of the Bridewell and Debtors and Criminal Prisons of the Burghs of *Dundee*, or shall extend more than Six Yards to the South of the Parapet and Railing in line with the Front of the Governor's House of the said Bridewell and Prisons: Provided always, that the County Board may, with the Consent of the General Board, at any Time purchase and take such farther Part or Parts of the Ground within the Boundary Wall at present erected round the said Prison as to them may seem proper, on

What Property shall vest in the County Board appertaining to Dundee Prison.

on paying for the same such Price as may be fixed by a Valuation made under the Authority of the Sheriff, on a summary Application being made to him to that Effect.

Assessment of County of Forfar and Burghs therein. 4 & 5 W. 4. c. lxxxi.

XXV. And whereas the Magistrates and Town Council of the Royal Burgh of *Dundee*, as Commissioners under an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for erecting and maintaining a Gaol for the Royal Burgh of* Dundee *in the County of* Forfar, have recently erected and suitably furnished a commodious Prison in the said Burgh at the Cost of a large Sum of Money, of which the Sum of Nine thousand Pounds or thereabouts is still due and owing on the Security of the Rates granted by the said recited Act and another Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the better paving, lighting, watching, and cleansing the Burgh of* Dundee; and it is just and reasonable, on vesting the said Prison in the said County Board, that Provision should be made for relieving the said Burgh of a Portion of the Debts contracted for the Erection of the same, and still due and owing as aforesaid; be it therefore enacted, That in estimating the Sum required for the Purposes of this Act to be paid by the County of *Forfar* and the Burghs situate therein, the said County Board shall annually add to the Assessment within the said County such a Sum as shall be sufficient to pay and keep down the Interest on the Debts contracted, and still due and owing as aforesaid, and to set aside annually as a Sinking Fund for the Redemption of the Principal of the said Debts not less than Two Pounds Ten Shillings *per Centum* of such Principal as it stood at the passing of this Act; and the Sum so estimated shall, in addition to the Sums herein otherwise authorized to be assessed, be levied and recovered in the Manner provided by this Act with respect to the Expence of building and altering local Prisons within the said County, and shall be applied by the said County Board towards Payment of the Principal and Interest of the said Debts as aforesaid: Provided always, that in estimating the additional Sum to be levied as aforesaid the said Debt shall be taken as not exceeding Nine thousand Pounds in the whole at the passing of this Act.

5G.4.c.cxxix.

Board to provide necessary Prison Accommodation of every Kind.

XXVI. And be it enacted, That the said General Board shall be and they are hereby authorized, as soon after the passing of this Act as they shall find convenient, to alter, enlarge, and complete the said Buildings at *Perth*, and maintain the same as a General Prison for the Custody of Persons convicted of Crime whose respective Sentences of Imprisonment shall be for a Period of not less than Six Months, which Prison shall be under the sole and immediate Superintendence and Management of the said General Board; and the said Board shall also, so soon as convenient, either by means of the County Boards herein established, or, failing them, under their own immediate Direction, erect, provide, and maintain Prisons, which shall be in such Situations as the said General Board may think suitable and convenient, including a Prison at every Town in which Circuit Courts are held by the Court of Justiciary, and at every Town in which any Sheriff is in use to hold Courts for the Exercise of his ordinary Criminal

Criminal Jurisdiction; and such Prisons shall be so constructed and fitted up as to afford the best Means of carrying into effect the Purposes of this Act and the Rules to be made in virtue hereof, and particularly for training the Prisoners in good and industrious Habits, by effecting their complete Separation from vicious Society, and by affording them Religious and Moral Instruction, and employing them in useful Labour.

What Prisoners to be sent to General Prison.

XXVII. And be it enacted, That after the said General Prison shall be declared by the said General Board to be ready to receive Prisoners, it shall be lawful for the said General Board to cause all Prisoners sentenced to Imprisonment, the Expiry of whose Sentences shall not occur for a Period of not less than Six Months, to be conveyed to the said General Prison, and when any Criminal Court shall, after such Declaration, sentence any Person tried by such Court to a Period of Imprisonment for One Year or upwards, such Court shall insert in the Sentence a special Order that the Prisoner shall be forthwith conveyed to the said General Prison at *Perth*; and where such Sentence shall award Imprisonment for a Period of less than a Year, but not less than Six Months, such Court may either order the Prisoner to be conveyed to the said General Prison or to any other lawful Prison which the Court shall think fit; and it shall also in such Case be competent to the said General Board to order the Prisoner to be conveyed to the said General Prison at *Perth*, if they shall think fit; and it shall not be competent for any Court to order any Prisoner to be condemned to Imprisonment for a shorter Period than Six Months to the said General Prison: Provided always, that nothing herein contained shall interfere with the Power of the Court of Justiciary to sentence any Prisoner to Confinement and Detention in a particular Gaol.

Separate Confinement regulated.

XXVIII. And be it declared and enacted, That separate Confinement under the Provisions of this Act shall not be deemed solitary Confinement within the Meaning of any Law or Statute forbidding the Continuance of solitary Confinement for more than a limited Time: Provided always, that no Cell shall be used for the separate Confinement of any Prisoner which is not of such a Size, and lighted, warmed, ventilated, and fitted up in such Manner, as may be required by a due Regard to Health, and furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison; and that every Prisoner so separately confined shall have the Means of taking Air and Exercise at such Times as shall be deemed necessary by the Surgeon, and shall be furnished with suitable Labour or Employment, unless it shall be deemed advisable by the said General Board to make and certify a Regulation for withholding for a Period or Periods not exceeding One Calendar Month at any one Time such Labour or Employment; and all Prisoners shall be furnished with the Means of Moral and Religious Instruction; and it is hereby provided, that no Books or printed Papers shall be admitted into the General Prison or County Prisons but those which shall be chosen by the Chaplain for the Use of Prisoners belonging to the Established Church, and by the General and County Boards for the Use of other Prisoners; and the Keeper shall keep a Catalogue of all

Books and printed Papers allowed to be admitted into the Prison: Provided always, that in case there shall be a Difference of opinion between the Chaplain and the Prison Board with respect to the Books or printed Papers proper to be admitted for the Use of Prisoners belonging to the Established Church, Reference shall be had to the Presbytery of the Bounds, whose Decision shall be final.

Aliment of Civil Prisoners to remain as at present.

XXIX. Provided always, and be it enacted, That the Law relative to the providing of Aliment to Civil Prisoners shall not be altered or affected by any thing contained in this Act.

Insane Criminal Prisoners.

XXX. And in order that due Provision may be made for the proper Custody, Treatment, and Maintenance of Criminal Prisoners who by reason of Insanity or Lunacy may be found by the Court to be unfit to be brought to Trial, or who may upon their Trial be found to be insane or lunatic, or to have been so when the Offence wherewith they were charged was committed, and who may be detained and subjected to Confinement as such, be it enacted, That it shall be lawful for the General Board, if they shall think proper, instead of making use of a Prison or any Portion thereof for the Custody of such Prisoners, and in addition to the Powers herein conferred, to contract and agree with the Directors or Managers of any public Lunatic Asylum for the close and safe Custody and Maintenance of such insane or lunatic Prisoners, on such Terms as may be agreed upon, and to remove such Prisoners to such Lunatic Asylum: Provided always, that all competent Right of Relief of the Expences incurred in the Custody and Maintenance of such Prisoners against their own Estate or Funds, or otherwise, shall be and the same is hereby reserved.

Removal of Prisoners.

XXXI. And be it enacted, That the General Board may, in pursuance of Rules made as aforesaid, and also by Orders issued by them from Time to Time as they shall think proper, direct the Removal of all Civil or Criminal Prisoners from one Prison to any other Prison, situated in the same County, deemed more fit and convenient, such Removal, and the Prison to which it shall be made, being always entered in the Books of the Prison from which the Removal shall take place; and in the event of its being found necessary to remove any such Prisoner to a Prison not situated in the same County, it shall be competent to the General Board to make Application to that Effect to the Court of Justiciary, or, in case of a Civil Prisoner, to the Court of Session, and the said Court shall have Power to grant Warrants for the Removal of such Prisoners, Fourteen Days previous Notice of such Application in Writing being always given to such Prisoners, and also to the County Board to which the Removal is proposed to be made; and any Letter or written Communication of any Kind in relation to any such Removal, addressed by any Prisoner to the Clerk of Justiciary or Clerk of Session, shall, without Charge to the Prisoner, be submitted to the said Court of Justiciary or Session respectively before the Warrant for Removal be granted: Provided always, that if it shall be necessary, from the Want of Accommodation or Insufficiency in the Prisons of any County, to remove a Prisoner to the Prison of any other County, the County from which any Prisoner shall be for

such Cause removed shall be charged with a Sum double the Expence of the Conveyance and Maintenance of such Prisoner, which Sum, after defraying such Expence, shall be paid to the County into the Prison of which such Prisoner shall be so removed.

Burgh Gaol being discontinued, Prisoners to be committed to nearest Gaol.

XXXII. And be it enacted, That in case any Gaol belonging to any Royal Burgh shall be discontinued or done away, it shall be competent to the Magistrate or Magistrates of such Burgh to commit Prisoners to the nearest adjoining Gaol to the said Burgh, in such and the like Manner as such Magistrate or Magistrates would have been entitled to commit Prisoners to the Gaol of the said Burgh.

Where Imprisonment expires on Sunday.

XXXIII. And be it enacted, That whenever the Period which any Prisoner may be sentenced to remain in Confinement shall expire on *Sunday* such Prisoner shall not be released till the Day following.

Board may provide for travelling Expences of Prisoners discharged at a Distance from their usual Residence.

XXXIV. And be it enacted, That it shall be lawful for the said General Board to cause Prisoners about to be discharged from the said General Prison to be conveyed in Custody to the Prison nearest to the Place of their respective Residences, or in the County where the Crime may have been committed, in such Time as to admit of their being there liberated on the Expiry of their Sentences, or otherwise, at their Discretion, to direct reasonable Sums of Money to be paid to such Prisoners, in such Manner, and at such Place or Places as the said Board shall direct, in order to provide for their necessary travelling Expences to their usual Place of Residence, or to provide for such travelling Expences in such other Way as the said Board may deem proper.

Expence of fitting up a General Prison.

XXXV. And be it enacted, That the Expence of converting the said Building at *Perth* into a General Prison, and of furnishing and completing the same, shall be paid as follows; namely, Ten thousand Pounds thereof shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Remainder, to an Amount not exceeding Twenty thousand Pounds, shall be paid by the different Counties of *Scotland* and Burghs situated therein, and shall be apportioned among such Counties, including Burghs as aforesaid, according to a Scale of Proportion of Assessment to be framed on a combined Estimate of the Amount of Population and Crime in such Counties, provided that such Assessment shall not in any One Year exceed the Sum of Two thousand Pounds; and the said General Board are hereby authorized and required, as soon as may be after the passing of this Act, to ascertain and determine as nearly as may be such relative Population, and also to ascertain and determine, in such Way as they may think most just, the Amount of Crime in each County; and the said Board shall frame a Scale of Proportions of Assessments for the several Counties according to a combined Estimate of such Population and Crime; that is to say, the said Board shall first calculate what each County would have to contribute if the Assessment depended on Population alone, and shall then calculate what each County would have to contribute if the Assessment depended on Crime alone, and the Half of the Two Amounts in any Case shall be the Sum to be paid by each County, including

including the Burghs therein, and such Assessment shall be final for the Purposes of this Act; and the said General Board shall give Notice of such Apportionment to the Convener of the Commissioners of Supply of each County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh, on or before the Fifteenth Day of *April* then next ensuing: Provided always, that Notice shall be held to be duly given by Letter sent by the General Post, properly addressed, containing such Notice.

Expence of building local Prisons

XXXVI. And be it enacted, That the Expence of building, altering, and repairing the local Prisons shall be defrayed exclusively by the Counties wherein such Prisons are respectively situated, by an Assessment to be levied annually upon such Counties and Burghs situated therein, provided that such Assessment shall not in any One Year exceed the Amount in which the County wherein the same is situated would be liable, on the Footing of the Sum of Ten thousand Pounds being assessed for the Year upon all the Counties in *Scotland*, in the same Manner as the said Sum of Two thousand Pounds is herein ordered to be assessed, unless with the Consent of the Commissioners of Supply of such County assembled to choose the County Board as aforesaid, or at an adjourned Meeting, not being later than the Thirtieth Day of *November* immediately following, and of the Magistrates of the several Burghs therein assembled for the said Purpose as aforesaid; but, with such Consent, it shall be lawful to add to the ordinary maximum Assessment of such County, and Burghs situated therein, such Sum for the said Purpose of local building, repairing, or altering as may be required and be so consented to: Provided always, that the said additional Sums for the building, repairing, and altering of Prisons shall be so assessed as to distribute its Amount over as many Years as the Commissioners of Supply, and the said Magistrates in consenting to such additional Assessment, shall have declared to be expedient, not exceeding those which may have to elapse before the Expiration of this Act; and it shall be in the Power of the General Board to borrow Money on the Credit of such Assessment.

Expence of Establishment and current Expences of General Prison.

XXXVII. And be it enacted, That the current annual Expences of the Establishment of the General Prison of *Perth*, including the Expence of transmitting Prisoners to and from the said General Prison, the Expence of Aliment of Prisoners while there, and all the Expences of the said General Board (excepting the Salary of the Secretary), shall be defrayed by an Assessment upon such Counties, including the Burghs therein, according to a Proportion corresponding to the Number of Prisoners which shall be ascertained to have been sent to the said General Prison from such Counties respectively in the preceding Year, and the Duration of the Imprisonment of such Prisoners; and in case there shall be any Deficiency in the Proportion of the Assessment of any County towards the Fund for so defraying the Expence of the General Prison, and other Expences aforesaid, in any Year, such Deficiency shall be made up by the Assessment for the subsequent Year upon such County according to its Liabilities as aforesaid; and in case there shall be any Surplus in the Proportion of the Assessment of any County towards such Fund,

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an Abatement of the Assessment upon such County shall be allowed according to its Liability as aforesaid, and so from Year to Year; and the Assessments necessary for the defraying all such Expences as the same shall be ascertained and directed by the said General Board by a Certificate issued by them, which shall be conclusive: Provided always, that to meet the Expence of the first Year the Sum of Five thousand Pounds shall be assessed upon the Counties, including the Burghs as aforesaid, in the same Proportion and Manner as the said Sum of Two thousand Pounds herein authorized to be assessed is authorized to be assessed.

Aliment of Prisoners and Expence of County Gaols.

XXXVIII. And be it enacted, That the Expence of transmitting Prisoners from one local Prison to another, the Expence of the Aliment of Prisoners in the County Gaols, and generally the current Expences of such Gaols, shall be defrayed by the Counties respectively in which such Gaols are situated, by Assessment upon such Counties and Burghs therein situated as herein provided, according to the Amount of the Expences of the preceding Year; provided that the Assessment shall be to such an Amount as the County Board shall from Year to Year fix and determine at a Meeting to be held for that Purpose in the Month of *September* annually; and in case of any Deficiency or Surplus in such Assessment in any Year, or in any annual Assessment hereby authorized to be imposed, the same shall be made up or allowed at the next annual Assessment, in such and the like Manner as any Deficiency or Surplus is herein-before directed to be made up or allowed in relation to the annual Assessment for defraying the Expence of the General Prison; and provided also, that where the Court of Justiciary, or any competent Court, shall sentence a Prisoner to be confined in the Gaol of any County, not being the County in which the Crime for which the Prisoner has been so sentenced was committed, such County shall be entitled to be relieved of all Expences relative to such Prisoner by the County within which the Offence was committed.

Assessment on County and Burghs therein how apportioned.

XXXIX. And be it enacted, That the Amount of the Sums to be assessed upon each County, including the Burghs therein, shall be apportioned upon and divided between the Burghs and landward Parts of such Counties, according to the relative Population of such Burghs and landward Parts respectively; and the said General Board shall give Notice to the Convener of the Commissioners of Supply of each County respectively for such County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh for such Burgh, of the whole Sums or Proportions to be levied annually on such Burghs and the landward Parts of such Counties respectively.

Board to make an Estimate of Sums required, and Estimate to be laid before Secretary of State and Parliament.

XL. And be it enacted, That on or before the Fifteenth Day of *February* in the Year One thousand eight hundred and forty, and on or before the like Period in every succeeding Year, the said General Board shall make and transmit to One of Her Majesty's Principal Secretaries of State an Estimate of the Sums which they shall require in the Execution of this Act during the Year from the First Day of *January* to the Thirty-first Day of *December* of the current Year;

Year; and such Estimate shall form Part of the annual Report hereinbefore directed to be made to such Secretary of State, and to be by him laid before both Houses of Parliament, and shall set forth in a separate and distinct Manner the Purposes for which the Sums therein contained shall be required, and in particular shall distinguish the Expence of building, altering, and repairing local Prisons, as applicable to each County respectively; and the said Estimate shall not be acted upon or apportioned in manner herein-after provided until the Expiration of One Month after the same shall have been so laid before Parliament, and the Approval of Her Majesty's Principal Secretary of State as aforesaid shall have been signified to the Board.

Assessment authorized on land-ward Parts of Counties.

XLI. And be it enacted, That the Portion of the gross Amount of the foresaid estimated Sums which shall be annually apportioned by the Board on the several landward Parts of Counties as aforesaid shall be assessed, by or under the Authority of the Commissioners of Supply of each County, as follows; namely, upon all Property contained in the Valuation Books of such County, according to the valued Rent of such Property; and upon all Houses within such landward Part of a County, and also upon all Land within such landward Part of a County not valued in the said Valuation Books, according to the annual Value of such Houses and Land; that is to say, for every Five Pounds *Scots* that shall be assessed on every Hundred Pounds *Scots* of the valued Rent of Property there shall be assessed the Sum of One Penny Sterling on every Pound Sterling of the annual Value of such Houses and Land; but it is hereby expressly provided and declared, that Houses situated on Lands valued in the Valuation Books of the said County, and chargeable to the Proprietors of such House with Assessment imposed by this Act on Property so valued to a greater Amount than the Sum for which the said Houses would be chargeable under this Act, shall not also be liable to the Assessment hereby imposed on Houses; and the said Commissioners in the several Counties are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid to the Convener of such County, to lay on and collect or direct the laying on and collecting of the Sum apportioned on each respective landward Part of a County, together with such further Sum as may be necessary to cover Expences of Assessment, Collection, and Remittance, and any Arrears of preceding Years, in the Proportions aforesaid, and in such Manner and by such Meetings of the said Commissioners or Committees of their own Number, and by such sworn Surveyors or Valuators, Collectors or other Persons, as they shall from Time to Time appoint; and the said Commissioners, and their Convener and Collector in the several Counties, shall remit the whole Sum apportioned at their Risk, and free of all Expences, to the said County Board, through one of the incorporated Banks in *Scotland*, within Eight Months after Notice to the Convener as aforesaid, with legal Interest thereafter of the same, or any Balance thereof, until paid; and the said County Boards shall in like Manner remit to the General Board such Portion of the Assessment as the said General Board shall certify to be due in Terms of this Act: Provided always, that on the Occasion of the first Assessment the Time to be allowed for remitting the said Sum shall be Twelve Months instead of Eight Months, as before provided.

XLII. And

Assessment on landward Parts of Counties may be made according to real Value.

XLII. And be it enacted, That instead of the Assessment on Property, Houses, and Land situated in landward Parts of Counties being made on the valued Rent of such Property, and the annual Value of such Houses and Land, in manner aforesaid, it shall be lawful for the Commissioners of Supply of any County, if they shall so determine at one of their usual Meetings, due Notice having been given by Advertisement in Two Newspapers in general Circulation in such County at least One Month previous to such Meeting by the Clerk of Supply, on Requisition to that Effect by not less than Seven of such Commissioners, to assess the Sums which shall be annually apportioned as aforesaid on the landward Part of such County according to the real annual Value of the whole Lands, Teinds, Fishings, Mills, Mines, Minerals, Lime Works, Brick Works, Iron Works, Factories, and manufacturing Establishments, Coal Works, Quarries, Canals, Railways, Houses, Buildings, and Pertinents, situated in the landward Part of such County, or in any other Manner in use in such County, for any general Assessment thereon for any public Purpose that may appear to the said Commissioners at such Meeting to be more equitable and convenient, the Mode of Assessment to be proposed at such Meeting being publicly notified in the said Requisition and Advertisements: Provided always, that any Valuation required to be made in order to such Assessment shall from Time to Time, at Intervals of not less than Three Years, be made, by and under the Direction and at the Expence of such Commissioners, which they are hereby empowered to do, by sworn Surveyors or Valuators appointed by them for that Purpose, in such Manner as to them may seem fit, and at the same Time to include in such Assessment the Expence of making such Valuation.

Assessment of Canals and Railways.

XLIII. And be it enacted, That in Cases where any Canal or Railway shall pass through or be situate in more than One County, the Proportion of the annual Value thereof on which such Assessment shall be made for each such County shall be according to the Number of Miles or Distance which such Canal or Railway passes through or is situated in each County.

Assessment in Orkney and Zetland, and Ross and Cromarty.

XLIV. And be it enacted, That in the County of *Orkney* and *Zetland* the Assessment authorized by this Act shall be levied, in manner and with the Powers aforesaid, by the Commissioners of the Land Tax, upon Property in the landward Part of the said County, along with the Land Tax, and in like Manner therewith, and shall be apportioned upon *Orkney* and *Zetland* respectively according to the existing Proportions in which the Land Tax is levied on them respectively, and upon the Houses in the said landward Part of the County according to the annual Value of such Houses: Provided always, that in *Zetland* the Valuation by Merks Land shall be substituted in place of valued Rent in other Counties, and that One Merk Land shall be deemed and taken as equal in Value to Two Pounds *Scots* of valued Rent: Provided further, that the Commissioners of Supply for the Counties of *Ross* and *Cromarty*, and also for that Portion of the County of *Nairn* which is locally situated in the County of *Ross*, shall meet together for the Purposes of this Act at the usual Place of Meeting of the Commissioners of Supply of the County of *Ross*, and shall

shall exercise the Powers conferred by this Act on Commissioners of Supply with respect to the said Counties of *Ross* and *Cromarty* and the said Portion of the County of *Nairn*.

Mode of levying Assessment in Counties.

XLV. And be it enacted, That the Assessment authorized by this Act to be assessed and collected within landward Parts of Counties may be levied either on the Proprietor or the Tenant; but such Tenant, in case of his paying the same, shall be entitled to deduct the Amount from the Rent payable by him: Provided always, that where such Assessment on Houses shall be of very small Amount it shall be competent to the said Commissioners to make Postponement in the Collection of the same, to the Effect of collecting Two or more Years Assessment on Houses at one Time, as they may think proper.

Assessment authorized on Burghs.

XLVI. And be it enacted, That the Portion of the gross Amount of the foresaid estimated Sums which shall be annually apportioned by the Board on the several Burghs as aforesaid shall be assessed by or under the Authority of the Magistrates of each Burgh on the annual Value of Property within the same; and the said Magistrates of the several Burghs are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid by the County Boards to the Chief Magistrate, to lay on and collect or direct the laying on and collecting of the Sum apportioned on each respective Burgh, with such further Sum as may be necessary to cover Expences and Risk of Assessment, Collection, and Remittance, and any Arrears of preceding Years, in like Manner and with the same Powers and Right of Action and Diligence, and of using summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or General Assessment with which the said Magistrates may deem it most expedient that the Sum apportioned as aforesaid should be laid on and collected, and any Board or other public Body which may be directed by the Magistrates of any Burgh to lay on and collect the said Assessment are hereby empowered and required to do so; and the said Magistrates shall, at their Risk, and free of all Expences, remit the whole Sum apportioned to the County Board, through one of the incorporated Banks in *Scotland*, within Eight Months after Notice to the Chief Magistrate as aforesaid, with legal Interest thereafter of the same, or any Balance thereof, until paid; and the said County Board shall in like Manner remit to the General Board such Portion of the Assessment as the said General Board shall certify to be due, in Terms of this Act, as already provided in the Case of Assessments on the landward Parts of Counties: Provided always, that on the Occasion of the first Assessment the Time to be allowed for remitting the said Sum shall be Twelve Months instead of Eight Months, as before provided.

Mode of Collection in Burghs where no other general Assessment.

XLVII. And be it enacted, That in any Burgh, or Part thereof, in which there may be no Municipal or Police or other general Assessment, or any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment hereby authorized along with any other existing Assessment, the Sums annually apportioned in such Burgh as aforesaid shall be assessed and collected, by or under the

Authority of the Magistrates thereof, on the annual Value of Property within the same, in such Manner as they shall think just; and for this Purpose the Magistrates of any such Burgh are hereby authorized and required to appoint sworn Surveyors or Valuators and Collectors, and to lay on and collect or to direct the laying on and collecting the Sum apportioned on such Burgh, with such further Sum as may be necessary to cover Expences and Risk of Assessment, Collection, and Remittance, and any Arrears of preceding Years, the whole Sum apportioned to be remitted as aforesaid within Eight Months after Notice to the Chief Magistrate as aforesaid, with legal Interest thereafter of the same, or any Balance thereof, until paid: Provided always, that on the Occasion of the first Assessment the Time to be allowed for remitting the said Sum shall be Twelve Months instead of Eight Months, as before provided.

Annual Value defined.

XLVIII. And be it enacted, That the said annual Value of the various Kinds of Property to be rated under the Authority of this Act shall be taken to be the Rent at which, one Year with another, the same might in their actual State be reasonably expected to let from Year to Year, under Deduction of the probable annual average Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain the Heritages in their actual State, and all Rates, Taxes, and public Charges payable in respect of the same; provided that no Mine shall be assessed unless it has been worked during some Part of the Year preceding the Day on which the Assessment may be ordered to be levied.

Common Good and Revenues of Burghs may be applied in payment of Assessment.

XLIX. Provided always, and be it enacted, That in any Burgh in which the free yearly Proceeds of the Common Good, Property, and Revenues thereof may be judged by the Magistrates thereof to be sufficient to pay the Sum, or any Part thereof, annually apportioned on such Burgh as aforesaid, after defraying the ordinary Municipal and Police Charges and Expences, and other annual Burdens chargeable on such Common Good, Property, or Revenues, including the Interest of Debts due by such Burgh, it shall be competent to the Magistrates thereof to pay so much of the Sum so apportioned on such Burgh as is due by that Part of the Burgh entitled to such Common Good, Property, and Revenues.

Assessment within Burghs to be divided between Landlord and Tenant.

L. And be it enacted, That the Assessment authorized by this Act to be assessed and collected within Burghs shall be payable by the Tenant or Occupant of Property assessed; but such Tenant or Occupant by whom such Assessment shall be paid shall be entitled to deduct One Half of such Assessment from the Rent payable to the Proprietor or Person by whom such Property was let; and such Assessment shall be payable at such Terms as the Magistrates may appoint: Provided that One Half of such Assessment may be levied directly from the Proprietor of Property assessed within the Burgh: Provided also, that where the Rent is under Five Pounds the Magistrates of any Burgh may remit, on account of Poverty, the Whole or any Part of the Assessment authorized by this Act to be levied from any Tenant or Occupant of Property within Burgh.

Tenants under Building Leases to be held Proprietors.

LI. And be it enacted, That where Houses in Counties or Burghs have been or shall be built by the Tenant of any Land held under Lease upon such Land, the Tenant and his Heirs and Assignees in such Lease shall, for the Purposes of this Act, be deemed and taken to be the Proprietors of such Houses.

Counties may unite for the Expence of certain local Prisons.

LII. And be it enacted, That for the Purpose of erecting and maintaining local Prisons for the Custody of Prisoners after Conviction only, and paying the Cost of such Prisons and Prisoners, the Commissioners of Supply of Two or more Counties, and the Magistrates of the Burghs in the said Counties, at their Meetings respectively to elect the County Boards, shall have Power to form a Union of their respective Counties upon such Terms as they may agree upon and as may be approved of and confirmed by the General Board: Provided always, that in the Towns of *Cupar Angus* and *Galashiels* it shall be lawful to admit Prisoners before Conviction into any Prison which may be erected and maintained at the mutual Expence of the adjoining Counties within which such Towns are situated.

Commissioners of Public Works may issue Exchequer Bills to the Boards.

LIII. And be it enacted, That it shall be lawful for the Commissioners for the Issue of Exchequer Bills in aid of Public Works, under the Provisions of the several Acts already passed or which may hereafter be passed for regulating their Proceedings, from Time to Time to make Advances to the said General Board or County Boards, or any of them, on the Security of the Property and Assessments vested in the said Boards and to be raised by virtue of this Act, and which Security the said Boards are hereby authorized to give, in such Form, upon such Terms, and to such Effect as the said Commissioners may direct and appoint, for securing the Repayment of the Principal of the said Advance by Instalment before the Expiry of this Act, with Interest not exceeding Five Pounds *per Centum per Annum* on the Principal Money from Time to Time remaining unpaid.

Securities not to be affected for Want of Form.

LIV. And be it enacted, That no Security to be given to the said Commissioners for the Issue of Exchequer Bills in aid of Public Works by the said Boards shall be affected by any Informality on the Part of the said Boards or their Secretary or any other Person, and that the Security to be given to the said Commissioners shall have and be entitled to Priority over all other Securities, of what Nature or Kind soever, which shall be granted by the said Boards, until the Sums secured to the said Commissioners, with Interest thereon, and all Charges relating thereto, shall be fully paid and satisfied.

Monies payable to the Board to be paid into an incorporated Bank.

LV. And be it enacted, That all Sums of Money payable to or on account of any one of the said Boards shall be without Delay paid into one of the incorporated Banks in *Scotland* in the Name of the said Boards; and the Account kept by the Board with such Bank or Banks shall only be operated on by Drafts or Orders signed by not less than Three of the Directors of the said Board; and it shall not be lawful for the Secretary to the Board, or any Person intrusted with the Receipt of the Monies belonging thereto, to retain in his Hands, of such Monies, any Sum exceeding Fifty Pounds beyond such Time as may be necessary for paying the same into an incor-

porated Bank, declaring that such Secretary or any such Person shall be liable in a Penalty at the Rate of Five Pounds for every One hundred Pounds for each Day during which the same may have been so unnecessarily retained.

Visitation and Inspection of Prisons.

LVI. And be it enacted, That it shall be lawful for Her Majesty's Principal Secretaries of State, or any Persons appointed by them or any of them, Her Majesty's Lord Lieutenants of the several Counties, the Members of Her Majesty's Privy Council, the Judges of the Court of Session or Court of Justiciary, and the Members of the said Board of Directors of Prisons, and also for all Sheriffs, Conveners of the Commissioners of Supply of Counties, Justices of the Peace, Chief Magistrates and Bailies of Burghs, Members of the County Prison Boards, and Committees thereof, and for Committees of not more than Three of the Councillors of Burghs to be appointed by such Commissioners and Magistrates respectively, all within their several Counties and Burghs, and also for all Persons to whom the Board may grant such Permission, to visit and inspect the State and Condition of the several Prisons, and Discipline of Prisoners therein, and from Time to Time, as they shall see Cause, to report their Observations to the General Board, who shall give speedy and attentive Consideration thereto; and Copies of the annual Reports of the Proceedings of the General Board, as before provided and required by this Act to be transmitted to the Secretary of State and laid before Parliament, shall be transmitted by the Board to all the aforesaid Persons who may desire the same, as soon as conveniently may be after the Preparation and Transmission thereof to the Secretary of State.

Boundaries of Burghs.

LVII. And be it enacted, That the Limits and Boundaries of the said Burghs shall, for the Purposes of this Act, be taken and held to be according to the Description and Specification of such Limits and Boundaries determined by an Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland: Provided always, that in any Burgh in which the ordinary Jurisdiction of the Magistrates shall not extend over the whole of the said Boundaries, it shall be lawful to exclude therefrom, for the Purposes of this Act, such Part thereof, being beyond the ordinary Jurisdiction of the Magistrates, as may be mutually agreed on by the Magistrates of the Burgh and the Commissioners of Supply for the County, or, in case of Disagreement, as shall be determined by the Sheriff of the Sheriffdom in which such Burgh shall be situated: Provided also, that if the Boundaries of any Burgh shall not be determined by the said recited Act the same shall be determined by Agreement between the Magistrates and Commissioners of Supply, and, failing such Agreement, by the Sheriff as aforesaid: Provided further, that in Cases where a Burgh is situated partly in one County and partly in another, the Boundaries of the said Burgh shall be determined by the Commissioners of Supply of the Two Counties and the Magistrates of the Two Divisions of the Burgh, or, in case of Disagreement, by the Sheriff of that County in which the greater Part of such Burgh may be situated: Provided also, that the General Board shall not be required to give Effect to any Agreement or Decision

2 & 3 W. 4. c. 65.

sion respecting the Boundaries of a Burgh unless the same be made, and Notice thereof sent to the said Board, on or before the Thirteenth Day of *November* One thousand eight hundred and forty: Provided also, that in Cases where a Burgh is divided into Two or more Municipalities the Magistrates of such Burgh shall for the Purposes of this Act be taken to be the Magistrate of that Municipal Division which contains the greatest Population.

Corporate Bodies, Heirs of Entail, and others may convey Property to the General Board.

LVIII. And be it enacted, That it shall be lawful for any Body Politic, Corporate, or Collegiate, Heir of Entail, Tutor, Trustee, or any other Person, although under any legal Disability or Incapacity, who shall be vested and seised in or possessed of any Lands, Houses, or Heritages which the said General Board or which any County Board may desire to purchase or acquire for the Purposes of this Act, to sell, dispone, and convey the same to the said Board, for such fair and adequate Price as shall be agreed upon; and all such Conveyances, and the Titles to be made up thereupon in favour of the Board, or their Trustees or Secretary, shall be in common Form, and shall be valid and effectual; and all such Bodies Politic, Heirs of Entail, and other Persons so conveying are hereby indemnified for or in respect of such Conveyance which they or any of them shall make in pursuance of this Act.

Application of the Price.

LIX. And be it enacted, That if any Price agreed to be paid by the said General or County Board for any such Lands, Houses, or Heritages, to or on behalf of any Corporate Body, Heir of Entail, Pupil, or other Person under Disability or Incapacity, shall exceed the Sum of Twenty Pounds, the same shall be paid into one of the incorporated Banks in *Scotland* to an Account in the Names of Two Persons, one to be named by the said Board and the other by the Persons making such Conveyance; and such Price shall be applied, under the Direction of the Court of Session, obtained upon a Petition presented in a summary Way to the Court by the said Two Persons, in the Purchase of the Land Tax, or towards the Discharge of Debt or other Incumbrance, or in the Purchase of Lands, Houses, or Heritages, or in such other Manner, being to the same or the like Uses and Purposes as those upon which the Property so conveyed stood settled or invested, as the said Court shall direct; and if any Price agreed to be paid as aforesaid shall be less than Twenty Pounds, the same shall be paid to the Person or Persons making such Conveyance: Provided always, that the said Board shall not be responsible for the Application of any such Price paid by them in Terms of this Act.

Disputes arising as to Assessment to be summarily settled by the Sheriff, in case of no other Mode.

LX. And be it enacted, That any Dispute which may arise in adjusting the Boundaries of any Burgh as aforesaid, or any Dispute which may arise in assessing or collecting the Assessments authorized by this Act, between the Commissioners of Supply of Counties, or the Magistrates of Burghs, or the Assessors, Collectors, or others acting under them, on the one Part, and any Person aggrieved on the other Part, for the Settlement of which Dispute no Provision shall be made under the Authority of this Act, and in case it shall not be convenient to raise and determine the same in the Sheriff's Small Debt Court, shall

shall be determined in a summary Way by any Sheriff of the Sheriffdom in which such Dispute shall arise, who shall, on a written Petition being presented to him by the Procurator Fiscal or by either of the aforesaid Parties, appoint the said Parties to appear before him, when he shall hear them, investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily; and such Decision shall be final, and shall not be liable to Appeal or to Suspension, Advocation, or Reduction, or any other Form of Review, except in the Case of any Canal or Railway situated in more than one County, where the Proprietors thereof, feeling themselves aggrieved by any Decision of the Sheriff, may appeal from the same to the Court of Session.

Provision for Refusal or Neglect by Commissioners of Supply and others.

LXI. And be it enacted, That in case any Convener or Commissioners of Supply of Counties, or Persons appointed or directed by them, or any Magistrates of Burghs, or Persons appointed or directed by them, shall refuse or neglect to do what is herein required of such Persons respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the said Board to apply by summary Petition to the Court of Session, or during the Vacation of the said Court to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and directed in such Case to do therein as to such Court or Lord Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

LXII. And be it enacted, That the whole Powers and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to the said Assessments under this Act; and the Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments, in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Interpretation of Words.

LXIII. And be it enacted, That the following Words and Expressions used in this Act shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context of the Act shall be repugnant to such Construction; that is to say, the Word "Prison" shall extend to and include every Gaol, Bridewell, House of Correction, Penitentiary, Lock-up House, or other House or Place in which Persons may be legally confined as Civil or Criminal Prisoners, having regard in each Case to the Nature of the Prison as declared and intimated by the Board, and to the Description of Prisoners in question; "Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament; "Magistrates of Burghs" shall include the Lord Provost, or Provost or Chief Magistrate, and Magistrates and Council of Burghs; "Sheriff" shall include Sheriff

Substitute and Stewart Substitute; "landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein; "Property," in landward Parts of Counties, shall extend to and include all Descriptions of Property valued in the Cess or Valuation Books of Counties; "Houses" shall extend to and include Dwelling Houses, Shops, Warehouses, Mills, and Manufactories; "Property," in Burghs, shall extend to and include Houses, Shops, Warehouses, Mills, Manufactories, Cellars, Gardens, Yards, and all Buildings and Pertinents thereof; "Civil Prisoner" shall include all Persons imprisoned for Civil Debt, or *ad factum præstandum*, or generally at the Instance of a Creditor for Performance of Civil Obligation; "Criminal Prisoner" shall include all other Descriptions of Prisoners; "Person" shall extend to a Body Politic, Corporate, or Collegiate; and every Word importing the Singular only shall extend to several Persons or Things as well as one Person or Thing; and every Word importing the Plural shall be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male.

All Acts repealed which are at variance with this Act.

LXIV. And be it enacted, That from and after the First Day of *July* One thousand eight hundred and forty all Laws, Statutes, and Usages shall be and the same are hereby repealed in so far as they are at variance or inconsistent with the Provisions of this Act: Provided always, that the same shall continue in force in all other respects.

Act to continue in force for Ten Years.

LXV. And be it enacted, That, unless where otherwise hereinbefore specially provided, this Act shall commence and take effect from the passing thereof, and shall continue in force for the Period of Ten Years from and after the First Day of *January* One thousand eight hundred and forty-one, and from thence to the End of the then next Session of Parliament.

Act may be altered, &c.

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

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