

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LV.

An Act to amend the Law relating to the Expenses of Prosecutions, and to make further Provision for the Apprehension and Trial of Offenders, in certain Cases. [1st *August* 1851.]

WHEREAS by the Act of the Seventh Year of King *George* the Fourth, Chapter Sixty-four, certain Provisions were made relating to the Allowance of Costs, Expenses, and Compensations to Prosecutors and Witnesses in Cases of Prosecutions for Felonies and certain Misdemeanors therein mentioned, and the Regulation and ascertaining of such Costs and Expenses, and relating to the Allowance of Compensation to Persons who may have been active in the Apprehension of Offenders or Persons charged with Offences; and Provisions have been made by other Acts relating to Costs, Expenses, and Compensations in Cases of Prosecutions in respect of the Offences therein mentioned: And whereas it is expedient to amend the Law relating to Costs, Expenses, and Compensations in Cases of Criminal Prosecutions: 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— 7 G. 4. c. 64.

I. So much of Section Twenty-three of the said Act of the Seventh Year of King *George* the Fourth as provides that in Cases of So much of 7 G. 4. c. 64. s. 23. as to Expenses of

Attendance before examining Magistrate, &c. repealed.

of Misdemeanor the Power of ordering the Payment of Expenses and Compensation shall not extend to the Attendance before the examining Magistrate, shall be repealed.

Power of Courts to allow Expenses in Prosecutions for certain Misdemeanors extended to other Misdemeanors.

II. All the Provisions of the said Act of the Seventh Year of King *George* the Fourth, as amended by this Act, authorizing and empowering Courts to order Payment of Costs and Expenses, and Compensation for Trouble and Loss of Time, in Cases of the several Misdemeanors enumerated in Section Twenty-three of the said Act of King *George* the Fourth, and concerning Orders for Payment of such Costs, Expenses, and Compensation, and the Payment thereof, and all the Provisions of any other Act for, concerning, or applicable to the Payment of such Costs, Expenses, and Compensation in Cases of the said Misdemeanors, shall extend and be applicable in the Case of any of the Misdemeanors herein-after mentioned; namely, unlawfully and carnally knowing and abusing any Girl being above the Age of Ten Years and under the Age of Twelve Years; unlawfully taking or causing to be taken any unmarried Girl, being under the Age of Sixteen Years, out of the Possession and against the Will of her Father or Mother, or of any other Person having the lawful Care or Charge of her; conspiring to charge any Person with any Felony, or to indict any Person of any Felony; conspiring to commit any Felony.

Parties bound by Recognizance to prosecute or give Evidence on Bills of Indictment for common Assaults to be allowed Costs as in Cases of Felony.

III. And whereas by an Act of the Ninth Year of King *George* the Fourth, Chapter Thirty-one, it is enacted, that where any Person shall unlawfully assault or beat any other Person, it shall be lawful for Two Justices of the Peace, upon Complaint of the Party aggrieved, to hear and determine such Offence; and it is by the said Act provided, that in case the Justices shall find the Assault or Battery complained of to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is from any other Circumstance a fit Subject for a Prosecution by Indictment, they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects in the same Manner as they would have done before the passing of the said Act: And whereas it is expedient that Courts before whom such Indictments shall be tried shall have Power to order Payment of Costs to Parties so bound by Recognizance to prosecute or give Evidence: Be it enacted, That in every Case of Assault so brought before such Justices for summary Decision in which the Justices shall be of opinion that the same is a fit Subject for Prosecution by Indictment, and shall thereupon bind the Complainant and Witnesses in Recognizance to prosecute and give Evidence at the Assizes or Sessions of the Peace, every such Court is hereby authorized and empowered at its Discretion to order Payment of the Costs and Expenses of the Prosecutor and Witnesses

Witnesses so appearing before such Court under such Recognizance, together with Compensation for their Trouble and Loss of Time, in the same Manner as Courts are authorized and empowered to order the same in Cases of Felony.

So much of 7 G. 4. c. 64. as empowers Quarter Sessions to make Regulations as to Costs and Expenses, repealed.

IV. So much of the said Act of the Seventh Year of King *George* the Fourth as empowers the Justices of the Peace of any County, Riding, or Division, or of any Liberty, Franchise, City, Town, or Place chargeable with Costs and Expenses as therein mentioned, in Quarter Sessions assembled, to establish and alter Regulations as to the Rate of any Costs and Expenses to be allowed by virtue of that Act, shall be repealed: Provided always, that all such Regulations in force at the Time of the passing of this Act shall continue in force until revoked, or until Regulations in relation to the Matter thereof are made under the Powers of this Act.

Secretary of State may make Regulations as to Costs, Expenses, and Compensations, and Certificates to be granted by examining Magistrates.

V. It shall be lawful for One of Her Majesty's Principal Secretaries of State to revoke any Regulations made under the Provision herein-before repealed, and to make Regulations as to the Rates or Scales of Payment of all or any Costs, Expenses, and Compensations to be allowed or ordered to be paid under the said Act or any other Act or this Act to Prosecutors and Witnesses, and to Persons attending the Court in obedience to any Recognizance or Subpœna, in Cases of Criminal Prosecutions, and (except as herein-after mentioned) to Persons who may have been active in or towards the Apprehension of Persons charged with Offences, and also Regulations as to the Rates or Scales of Payment according to which Certificates may be granted by the examining Magistrate or Magistrates in respect of the Expenses of any Prosecutor, or Witness or Witnesses for the Prosecution, or other Person, of attending before such Magistrate or Magistrates, and of any Compensation for Trouble and Loss of Time therein, in any Case where any Court or Judge is empowered under the said Act of the Seventh Year of King *George* the Fourth or any other Act or this Act to order Payment of such Expenses or Compensation, and concerning the Forms of such Certificates and the Details or Particulars to be inserted therein of the Expenses, Trouble, and Loss of Time to which such Certificates relate, and it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to alter any such Regulations, or make new Regulations in relation to any of the Matters aforesaid, and such Regulations for the Time being shall be binding on all Courts and Persons whomsoever.

Expenses and Compensations to be ascertained

VI. Where any Court or Judge empowered under the said Act of the Seventh Year of King *George* the Fourth, or under any other

according to such Regulation, and Magistrates Certificate not to be conclusive.

other Act or this Act, in this Behalf, shall order Payment to any Prosecutor, or Witness or Witnesses for the Prosecution, or to any Person attending the Court in obedience to any Recognizance or Subpœna, in the Case of any Prosecution for Felony or any Misdemeanor or Offence, of any Costs or Expenses incurred, or of any Compensation for Trouble or Loss of Time, or order Payment (except as herein-after mentioned) to any Person who may appear to have been active in or towards the Apprehension of any Person charged with any Offence of Compensation for Expenses, Exertions, and Loss of Time in or towards sueh Apprehension, the Amount of such Costs, Expenses, or Compensation shall be ascertained by the proper Officer of the Court according to the Regulations made under this Act; and where the Expenses and Compensation in respect of attending before any examining Magistrate or Magistrates are so ordered to be paid, such Expenses and Compensation shall also be ascertained by the proper Officer of the Court according to such Regulations, but the Amount thereof as so ascertained shall not exceed the Amount mentioned in the Certificate of the examining Magistrate or Magistrates, and, save as aforesaid, the Certificate of any examining Magistrate or Magistrates shall not be conclusive as to the Amount to be allowed for Expenses of Attendance before him or them, or for Compensation for Trouble or Loss of Time therein.

Act not to interfere with Payments in respect of extraordinary Courage, Diligence, and Exertions.

VII. Provided always, That nothing in this Act or in any Regulations under this Act shall interfere with or affect the Power of any Court to order Payment to any Person who may appear to such Court to have shown extraordinary Courage, Diligence, or Exertion in or towards any such Apprehension as herein-before mentioned of such Sum as such Court shall think reasonable and adjudge to be paid in respect of such extraordinary Courage, Diligence, or Exertion.

Powers given to Judges by 7 G. 4. c. 64. to order Payments in respect of the Apprehension of certain Offenders extended to Courts of Sessions of the Peace.

VIII. And whereas by the said Act of the Seventh Year of King *George* the Fourth any Court of Oyer and Terminer and Gaol Delivery, and other Courts therein mentioned, are empowered to order Compensation to be paid to Persons who shall appear to the Court to have been active in or towards the Apprehension of any Person charged with Murder or with any other of the Crimes therein mentioned: And whereas it is expedient to extend such Power to Courts of Sessions of the Peace: Be it enacted, That when any Person appears to any Court of Sessions of the Peace to have been active in or towards the Apprehension of any Party charged with any of the Offences in the said Enactment mentioned which such Sessions may have Power to try, such Court of Sessions shall have Power to order Compensation to be paid to such Person in the same Manner

Manner as the other Courts in the said Enactment mentioned; provided that such Compensation to any One Person shall not exceed the Sum of Five Pounds, and that every Order for Payment to any Person of such Compensation be made out and delivered by the proper Officer of the Court unto such Person without Fee or Payment for the same.

Clerks of the Peace, &c. may be paid by Salaries in lieu of Fees.

IX. And whereas it may be expedient to authorize the Payment of Clerks of the Peace and such other Clerks as herein-after mentioned by Salaries instead of Fees: Be it enacted, That it shall be lawful for the Justices of the Peace at their General or Quarter Sessions for the several Counties, Ridings, Divisions of Counties, and Liberties throughout *England* and *Wales*, Notice being given at the preceding Quarter Sessions that a Motion will be made for such Purpose, and the Council or other governing Body in every Borough in *England* and *Wales*, from Time to Time, if they see fit so to do, to recommend to One of Her Majesty's Principal Secretaries of State that the Clerks of the Peace, the Clerks of Special and Petty Sessions, and the Clerks of the Justices of the Peace within their several Jurisdictions, or any of such Clerks as aforesaid, be paid by Salaries in lieu of Fees and other Payments, or where any such Clerks are for the Time being paid by Salaries, by virtue of any Order made under this Act or otherwise, to recommend that the Amounts of all or any of the Salaries for the Time being payable be reconsidered, or that all or any of such Clerks for the Time being paid by Salaries be paid by Fees in lieu of Salary, and where Payment by Salary in lieu of Fees or the Reconsideration of the Amounts of any Salaries is recommended, to state the Amount of Salary which in the Opinion of such Justices, Council, or governing Body should in each Case be paid; and every such Recommendation being signed by the Chairman of the Court of General or Quarter Sessions, or the Mayor or other Head Officer of the Borough, shall be transmitted to the Secretary of State; and it shall be lawful for such Secretary of State, when any such Recommendation is so made to him, by Order under his Hand, if he so think fit, to direct that all or any of the Clerks to which such Recommendation refers be paid by Salary, and to fix the Amount of Salary to be so paid, or vary the Amount of Salary for the Time being payable to any such Clerk, or to direct that any such Clerk for the Time being paid by Salary be paid by Fees in lieu of Salary; and such Secretary of State shall cause Copies of every Order made under this Enactment affecting any Clerk of the Peace, or any Clerks of Special Sessions or Petty Sessions, or Clerks to the Justices within the District of any Clerk of the Peace, to be transmitted to such Clerk of the Peace, to be by him distributed, where Occasion shall require, to such other Clerks as aforesaid; and the Salary for the Time being payable to

any such Clerk under any such Order shall be paid out of any County Rate or Rate in the Nature of a County Rate made in the County, Riding, Division, or Liberty, or out of the Borough Fund of the Borough, as the Case may be, for or in which such Clerk of the Peace or other Clerk to whom the same is payable is appointed or acts: Provided always, that in fixing the Amount of any Salary to be paid to any Clerk of the Peace or other Clerk appointed before the passing of this Act regard shall be had to the Tenure of his Office and to his Rights in respect thereof, but no Clerk of the Peace or other such Clerk as aforesaid appointed after the passing of this Act shall be entitled to any Compensation on account of any Reduction of his Emoluments occasioned by any Order made under this Enactment: Provided also, that no Order shall be made in pursuance of any Recommendation of the Council or governing Body of any Borough in relation to the Mode of Payment or the Amount of Salary of any such Clerk other than the Clerk of the Peace for such Borough, unless the Justices of such Borough at a Meeting of such Justices approve of such Recommendation, and such Approval be certified to such Secretary of State, under the Hand of the Chairman of such Meeting.

Certain Business may be excepted in fixing the Salaries.

X. Provided that any such Court of Sessions, or Council, or governing Body may, where they see fit, recommend that any Description (to be specified in the Recommendation) of the Business of any Clerk whom they may recommend to be paid by Salary should not be included in fixing the Amount of such Salary, but that such Clerk should be remunerated for the same by such Fees or other Payments as may be payable to him in respect thereof; and where any Order is made by the Secretary of State in pursuance of such Recommendation as last aforesaid, such Clerk shall be entitled to receive, for his own Use, the like Fees or Payments in respect of the Business in such Recommendation specified in this Behalf as he would be so entitled to receive if not paid by Salary; and, save as aforesaid, where any Clerk is paid by Salary under any Order made by virtue of this Act, such Salary shall include and be deemed the Remuneration for all Business which such Clerk may, by reason of his Office, be called on to perform; and no other Payment shall be made for any such Business, or for or to a Deputy of any such Clerk.

Clerks paid by Salaries to account for Fees.

XI. Save as herein-before provided, all the Fees which any such Clerk as aforesaid would have been for the Time being entitled to receive to his own Use if such Order had not been made shall, so long as any Order for Payment of such Clerk by Salary in lieu of Fees is in force, be by him received and paid in any County, Riding, Division, or Liberty to the Treasurer in aid of the County Rate or Rate

Rate in the Nature of a County Rate of such County, Riding, Division, or Liberty, and in any Borough to the Treasurer in aid of the Borough Fund, and such Fees shall be accounted for from Time to Time in such Manner and under such Regulations as the Justices at Quarter Sessions, or in any Borough the Council or other governing Body, may direct.

Fees may be remitted by Justices.

XII. Where any Clerk is paid by Salary by virtue of any Order made under this Act, any Justices or Justice before whom any Proceeding is had, whereon a Fee is payable which should be accounted for by such Clerk under this Act, or before whom any Person is summoned for Nonpayment of any such Fee, may remit such Fee in whole or in part for Poverty or other reasonable Cause, in their or his Discretion, and in every such Case the Justices or Justice by whom any Fee is wholly or in part remitted shall cause an Entry to be made, in a Book or Books to be kept for that Purpose by such Clerk, of the Nature and Amount of the several Fees so remitted, and of the Reason for the Remission in such Case, which Entry shall be signed by the Justice, or Two or more of the Justices authorizing such Remission, and shall be a sufficient Voucher to discharge the Clerk therefrom.

So much of 4 & 5 W. 4. c. 36. as restrains Justices of London, &c. from trying certain Offences, &c., repealed.

XIII. And whereas by the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Thirty-six, it was enacted, that the Justices of the Peace acting in and for the Cities of *London* and *Westminster*, the Liberty of the *Tower of London*, the Borough of *Southwark*, and the Counties of *Middlesex*, *Essex*, *Kent*, and *Surrey*, should not, at their respective General or Quarter Sessions of the Peace, or any Adjournment thereof, try any Person or Persons charged with any of the Offences therein mentioned committed or alleged to be committed within the Limits of that Act: Be it enacted, That the said recited Enactment shall be repealed: Provided always, that such Repeal shall not be construed to give Authority to the said Justices of the Peace to try any Person or Persons for any Offence which the Justices of the Peace acting in and for any County, Riding, Division, or Liberty are restrained from trying under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Thirty-eight.

Such Repeal not to give Power to try Offences restrained from being tried under 5 & 6 Vict. c. 38.

Deputy to Assistant Judge of the Middlesex Session need not be in the Commission of the Peace.

XIV. So much of the Act of the Session holden in the Seventh and Eighth Year of Her Majesty as requires that any Person to be appointed a Deputy to the Assistant Judge of the Court of the Sessions of the Peace for the County of *Middlesex* should be in the Commission of the Peace for the said County, and qualified by Law to act as a Justice of the Peace, shall be repealed, but any Person, being a Serjeant

Serjeant or Barrister at Law of not less than Ten Years standing, may, in the Cases and with the Allowance and in the Manner therein mentioned, be appointed such Deputy.

As to Powers of Court of Quarter or General Sessions for Middlesex for dividing suchSessions.

When Power exercised the Assistant Judge to appoint a Deputy to preside as Chairman with the Justices appointed to sit apart.

XV. The Court of Quarter or General Sessions or Adjourned Session of the Peace for the County of *Middlesex* shall possess the same Powers for dividing such Court of Quarter or General or Adjourned Sessions as are now possessed by the Courts of Quarter and General and Adjourned Sessions of the Peace in Counties in which there is an Order in force for the Appointment of a permanent Chairman and Deputy Chairman; and whensoever such Court shall exercise such Power the Assistant Judge shall appoint a Person qualified to act as Deputy Assistant Judge to preside as Chairman with the Justices who shall be appointed to sit apart: Provided always, that the Name of the Person who shall be so appointed shall at some previous Time have been transmitted to and approved of by One of Her Majesty's Principal Secretaries of State as a fit and proper Person to be from Time to Time appointed as such Deputy Assistant Judge.

Presence of One of the Justices so set apart not essential to Formation of Court.

XVI. The Presence of One of the Justices so as aforesaid set apart shall not be essential to the Formation of the Court in which such Deputy Assistant Judge shall preside, but the Jurisdiction of such Justices shall not be in any way lessened by such Appointment.

So much of 9 G. 4. c. 43. and 6 & 7 W. 4. c. 12. as exempts Middlesex repealed.

XVII. So much of an Act of the Ninth Year of King *George* the Fourth, Chapter Forty-three, and of an Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Twelve, as enacts that nothing therein contained shall extend to the County of *Middlesex*, shall be repealed, and the said Acts shall be construed and take effect as if the County of *Middlesex* had not been excepted from the Operation thereof.

11 & 12 Vict. cc. 42. & 43.

By whom Warrants to be backed in

XVIII. And whereas by Section Thirteen of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-two, Provision is made for indorsing such Warrants as therein mentioned by any Officer within any of the Isles of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, who shall have Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders, and other Provisions are made in the same Act, and in the Act of the same Year of Her Majesty, Chapter Forty-three, by reference to the Enactment of the said Section, and Doubts have arisen by whom Warrants should be indorsed in the said Isles pursuant to the said Provisions: Be it enacted, That the Bailiffs of *Jersey* and *Guernsey* respectively, or in their respective Absence

Absence the Lieutenant Bailiffs of such Islands respectively, within their respective Bailiwicks or Jurisdictions, the Judge of *Alderney*, or in his Absence any Jurat of such Island within such Island, and the Seneschal of *Sark*, or in his Absence his Deputy within such Island, shall have all such Power and Authority to indorse Warrants as by the said Acts respectively is given or expressed or intended to be given to any Officer within any of such Isles having Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders, and for such Purpose shall have Authority to administer an Oath, and all the Provisions of the said Acts shall be construed as if the Officers authorized to indorse Warrants by this Enactment had been so authorized by the said Section of the first-mentioned Act of the Eleventh and Twelfth Years of Her Majesty. the Channel Islands.

XIX. Whenever any Justice or Justices of the Peace, or Coroner, acting for any County of a City or County of a Town Corporate within which Her Majesty has not been pleased for Five Years next before the passing of this Act to direct a Commission of Oyer and Terminer and Gaol Delivery to be executed, and until Her Majesty shall be pleased to direct a Commission of Oyer and Terminer and Gaol Delivery to be executed within the same, shall commit for safe Custody to the Gaol or House of Correction of such County of a City or Town any Person charged with any Offence committed within the Limits of such County of a City or Town not triable at the Court of Quarter Sessions of the said County of a City or County of a Town, the Commitment shall specify that such Person is committed pursuant to this Act, and the Recognizances to appear to prosecute and give Evidence taken by such Justice, Justices, or Coroner shall in all such Cases be conditioned for Appearance, Prosecution, and giving Evidence at the Court of Oyer and Terminer and Gaol Delivery for the next adjoining County; and whenever any such Person shall be so committed, the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize for such next adjoining County a Calendar of all Prisoners in his Custody so committed, in the same way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of such adjoining County; and the Justice, Justices, or Coroner by whom Persons charged as aforesaid may be committed, shall deliver or cause to be delivered to the proper Officer of the Court the several Examinations, Informations, Evidence, Recognizances, and Inquisitions relative to such Persons at the Time and in the Manner that would be required in case such Persons had been committed to the Gaol of such adjoining County by a Justice or Justices, or Coroner, having Authority so to commit, and the same In certain Counties of Cities and Towns Prisoners may be committed, and tried at Assizes held for adjoining County.

same Proceedings shall and may be had thereupon at the Sessions of Oyer and Terminer or General Gaol Delivery for such adjoining County as in the Case of Persons charged with Offences of the like Nature committed within such County.

Justices to declare when Gaols or Houses of Correction are fit Prisons for Persons committed for Trial.

XX. It shall be lawful for the Justices of the Peace, at their General or Quarter Sessions for any County, Riding, or Division, by Order made for that Purpose, to declare that any Gaol or House of Correction for such County, Riding, or Division is a fit Prison for Persons committed for Trial at the Assizes for such County, or for the County of such Riding or Division; and every such Order shall be signed by the Chairman of such Sessions, and transmitted to One of Her Majesty's Principal Secretaries of State; and in case such Secretary of State see fit to approve such Order, then, after the Approval thereof under the Hand of such Secretary of State, it shall be lawful for any Justice or Justices of the Peace, or Coroner, acting for such County, Riding, or Division, to commit for safe Custody for Trial at the next Assizes, to such Gaol or House of Correction, any Person charged with any Offence triable at the Assizes for such County, or for the County of such Riding or Division; and the Commitment shall specify that such Person is committed under the Authority of this Act; and the Recognizances to appear to prosecute and give Evidence taken by such Justice, Justices, or Coroner shall in all such Cases be conditioned for Appearance, Prosecution, and giving Evidence at the Court of Oyer and Terminer and Gaol Delivery for the County; and the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize a Calendar of all Prisoners in Custody for Trial at such Assizes, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of such County; and the Justice, Justices, or Coroner by whom Persons charged as aforesaid may be committed shall deliver or cause to be delivered to the proper Officer of the Court of Assize the several Examinations, Informations, Evidence, Recognizances, and Inquisitions relative to such Persons at the Time and in the Manner that would be required in case such Persons had been committed for Trial as aforesaid to such Common Gaol, and the same Proceedings shall and may be had thereupon at the Sessions of Oyer and Terminer or General Gaol Delivery for such County as in the Case of Persons so committed to such Common Gaol.

Prisoners so committed to be removed to County

XXI. All Persons who may under the Authority of this Act be committed to the Gaol or House of Correction of any County of a City or County of a Town Corporate for Trial at the Assizes to be holden

for the next adjoining County, or to any Gaol (other than the Common Gaol of the County) or House of Correction for any County, Riding, or Division for Trial at the Assizes for such County, or for the County of such Riding or Division, shall in due Time, without Writ of Habeas corpus or other Writ for that Purpose, be removed by the Gaoler or Keeper of such Gaol or House of Correction, with their Commitments and Detainers, to the Common Gaol of such County, in order that they may be tried at the Assizes to be holden for such County, and such Removal shall not be deemed or taken to be an Escape. Gaol previous to Trial.

XXII. Every Prisoner so removed shall, for and during the Time of such Removal, and for and during the Time of his being removed back to the Gaol or House of Correction from which he may have been brought, when and as often as he shall for any Reason be so removed back, and also for and during such Time as he may be detained in the County Gaol, and until he shall be delivered by due Course of Law, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, notwithstanding he may in effecting such Removal have been taken or detained out of the Jurisdiction of the County of a City or Town, or out of the Jurisdiction of the County, Riding, or Division, to the Gaol or House of Correction of which he may have been originally committed, into any other Jurisdiction, or out of the County to the Common Gaol of which he is removed into or through any other County or Division of a County; and no Action or other Proceeding shall or may be maintained by such Prisoner, or by any other Person, against the Gaoler or Keeper of the Gaol or House of Correction from which such Prisoner is removed, or against the Gaoler or Keeper of the Common Gaol of the County, by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of such County of a City or Town, County, Riding, or Division, from the Gaol or House of Correction of which such Prisoner is removed, into any other Jurisdiction, or out of such County to the Common Gaol of which he is removed into or through any other County or Division of a County. Prisoners while under Removal to be deemed in proper legal Custody.

XXIII. All the Provisions of the Act of the Fifty-first Year of King *George* the Third, Chapter One hundred, applicable to Convictions in pursuance of the Provisions of the Act of the Thirty-eighth Year of King *George* the Third, Chapter Fifty-two, and to the Execution of the Sentences passed upon any Convicts on such Convictions, and all the Provisions of the said Acts respectively concerning the Payment of Expenses, shall be applicable in all Cases of Persons who may be tried in or removed for Trial to any adjoining County in pursuance of the Provisions of this Act, in like Manner as in The Provisions of 38 G. 3. c. 52. and 51 G. 3. c. 100. as to Execution of Sentences, and as to Costs, extended to this Act.

in Cases of Persons tried in or removed for Trial to any adjoining County in pursuance of the Provisions of the said Act of the Thirty-eighth Year of King *George* the Third.

What to be deemed the next adjoining County.

XXIV. For the Purposes of this Act the Counties named in the Second Column of Schedule (C.) to the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, shall be considered next adjoining the Counties of Cities and Towns Corporate in the First Column of the same Schedule in conjunction with which they are respectively named.

Extent of Act.

XXV. This Act shall not extend to *Ireland* or to *Scotland*.

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