

ANNO QUINTO

GEORGII IV. REGIS.

CAP. XII.

An Act to facilitate in those Counties which are divided into Ridings or Divisions, the Execution of an Act of the last Session of Parliament, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in *England* and *Wales*. [23d *March* 1824.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in* England *and* Wales; it was (amongst other Things) enacted, that there should be maintained at the Expence of every County in *England* and *Wales*, one Common Gaol, and that the Regulations and Provisions contained in the said Act should extend, in manner therein mentioned, to every such Gaol: And whereas in certain Counties in *England* there are distinct Commissions of the Peace for the several Ridings and Divisions into which such Counties are divided, and distinct Courts of Sessions of the Peace are holden for each of such Ridings and Divisions respectively, and in such Counties there are no Courts of General or Quarter Sessions holden for the whole County at large, in consequence whereof the Provisions and Regulations of the said Act cannot in such Counties be carried into Execution: For Remedy thereof, and in order to extend to such Counties 4 G. 4. c. 64.

all the Benefits of the said Act; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

In Counties divided into Ridings or Divisions, a Court of Sessions for the Gaol shall be held; and such Court shall possess all the Powers given by the former Act respecting the Common Gaol of such County.

That in every County divided into Ridings or Divisions, having distinct Commissions of the Peace, there shall be held from Time to Time a Court of Sessions for the Gaol of such County, of which Court all the Justices of the Peace of every Riding and Division of such County shall be Members; and any Two of such Justices shall be able to hold such Court; and such Court shall possess and exercise all the Powers and Authorities respecting the Common Gaol of such County, and all Matters relating thereto, which are in and by the said recited Act vested in the Court of General or Quarter Sessions of the Peace for any other County of *England*; and the Justices of the Peace for each of such Ridings and Divisions are hereby authorized as fully and effectually to perform and execute all the Provisions and Regulations of the said recited Act, with respect to such County Gaol, as Justices of the Peace for the County are in any other County of *England* authorized to do with respect to the Gaol of their respective Counties; and the said Court of Gaol Sessions is hereby empowered to transact and do, within the Counties so divided, all such Matters and Things appertaining to the Authority of Justices of the Peace in Sessions assembled, with respect to the County Gaol, as are in other Counties capable of being done by Justices of the Peace in their General or Quarter Sessions assembled; and where by the said Act any thing is ordered to be done at any General or Quarter Sessions, or at any Adjournment thereof, or at any subsequent General or Quarter Sessions or Adjournment thereof, respecting the County Gaol, then such Things may be done at such Gaol Sessions, or at any Adjournment thereof, or at one or more subsequent Gaol Sessions, in such Ways and with such public Notices as in the said recited Act they are ordered or directed to be done by the General or Quarter Sessions or Adjournment thereof.

Sheriff to give Notice of the holding such Court.

II. And be it further enacted, That the Sheriff of every County so divided into Ridings or Divisions shall, within Fourteen Days next after the passing of this Act, by Notice to be published in *The London Gazette*, and in some of the public Newspapers most usually circulated within his County, summon the Justices of each of the Ridings or Divisions into which the same is divided, to meet at some Place in or near the County Gaol, to be by him specified in such Notice, and at a Time not exceeding One Month after the first Publication of such Notice, and there to form a Court of Sessions for the County Gaol, for the Purpose of carrying into Execution the Regulations and Provisions of the said recited Act and of this Act; and the said Court being so constituted shall proceed to elect a Chairman and a Clerk; and the said Court, and the Chairman thereof, shall proceed to execute all those Matters and Things which were by the said recited Act directed to be done by the Court of Quarter Sessions of the Peace held at *Michaelmas* next after the passing thereof, and by the Chairman of that Court, and to do all such other Matters and Things as may be necessary or proper in regard to the County Gaol.

Chairman and Clerk to be appointed.

III. And

Clerk of Gaol Sessions to continue in Office till another is appointed.

III. And be it further enacted, That the Clerk of the Gaol Sessions shall continue in his Office until another shall be elected in his Stead by the Court of Gaol Sessions, and shall, with respect to the said recited Act and this Act, have and enjoy all the Powers vested by the said recited Act in the Clerk of the Peace of any County.

Notice of holding Gaol Sessions.

IV. And be it further enacted, That the Clerk of the Gaol Sessions shall, on receiving a Precept commanding him so to do, signed by any Two Justices of the Peace acting for any of the Ridings or Divisions of the County, summon the Justices to meet in a Court of Gaol Sessions, by a Notice to be published at least Twice in some of the public Newspapers most usually circulated in the County, which Notice shall declare the Day, Hour, and Place at which such Court is to be held; and also that the said Clerk, if the Court of Gaol Sessions shall be dissolved without Adjournment, or shall adjourn for a longer Time than Three Calendar Months, shall by a like Notice, to be issued of his proper Authority, without any Precept in that Behalf, summon a Court of Gaol Sessions to be held within Three Calendar Months next after such Dissolution or last Adjournment.

Place for holding Sessions.

V. And be it further enacted, That the Sessions for the County Gaol shall be held in some Place in the Gaol, or within One Mile thereof, unless there shall be special Reasons for the contrary, which shall be expressed in the Precept to be directed to the said Clerk as aforesaid; and if it shall be held in the Gaol, or within such Distance thereof as aforesaid, all Matters done thereat touching the County Gaol shall be legal, though the Sessions be held in some Place not within the County.

Treasurer to be appointed.

VI. And be it further enacted, That the Court of Gaol Sessions shall also elect a Treasurer of the Monies applicable to the Repair of the County Gaol, who shall not be the Clerk of the said Court; and the said Treasurer shall receive and pay all Monies to be raised for the Repair of the County Gaol, or to be disbursed by Order of the Court, and shall give Discharges for the Monies received, and apply the same as by such Court shall be ordered, and shall keep a distinct Account of such Monies received and paid, and shall from Time to Time, when called on by the said Court, account upon Oath, if required, for all Monies so by him received, and deliver in all Vouchers respecting the same; and the said Court shall from Time to Time appoint such Salaries to such Clerk and Treasurer respectively as they shall think fit, to be paid out of the Monies aforesaid; and such Treasurer shall give such Security for the faithful Performance of his Duty, as the Court of Gaol Sessions shall direct.

Proportions of County Rates to be paid by each Riding or Division.

VII. And whereas it is expedient that all the Expences incurred respecting any County Gaol, where the County is so divided as aforesaid, whether arising out of the Provisions of the said recited Act or of this Act, or otherwise, should be discharged out of the County Rates; and it is necessary to fix the Proportions in which the several Ridings or Divisions shall contribute to such Expences; and it may also be necessary from Time to Time to vary the said Proportions;

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Be it therefore further enacted, That where in any such County there are, at the Time of passing this Act, any fixed Proportions in which such Expences are or have been paid and borne, such Proportions shall continue to be acted on, and the Contributions shall be paid accordingly, till some Alteration shall be made therein by the Court of Gaol Sessions; and that where there are now no such fixed Proportions, the said Court shall forthwith fix the Proportions in which the Contribution is to be made; and the said Court shall also have Power and Authority to alter the said Proportions from Time to Time; provided that no such Alteration shall be made, unless the Intention of making such Alteration shall be expressed in the Notice whereby the Court is summoned, and shall be published for One Month at the least before the Court shall be held.

In case of any Dispute as to the Proportions in which the Ridings or Divisions are to contribute towards the Expence of the Gaol, the same shall be settled by Arbitration.

VIII. And be it further enacted, That when the Court of Gaol Sessions shall order an Alteration to be made in the Proportions in which the Ridings or Divisions of the County are to contribute towards the Expences of the County Gaol, or shall negative a Proposition for making such Alteration, and any Riding or Division shall be dissatisfied therewith, it shall be lawful for the Clerk of the Peace of such Riding or Division, being thereunto authorized by an Order of the Court of Quarter or Gaol Sessions of such Riding or Division, to apply to the Justices of Assize of the last preceding Circuit, or of the next succeeding Circuit, or to One of such Justices, who shall by Writing under their or his Hands or Hand nominate a Barrister at Law, not having any Interest in the Question, to arbitrate between the Ridings or Divisions; and such Arbitrators shall summon the several Clerks of the Peace of the Ridings or Divisions interested in the Matter in Dispute to appear before him, at a Time to be by him appointed, and there to produce all Information touching the Matter in Dispute; and such Arbitrator may, if he shall see fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties as shall appear to him meet and necessary; and shall, by his Award in Writing, determine the Proportions in which such Ridings or Divisions shall contribute towards the said Expences; and his Award shall be final and conclusive between the Parties for Ten Years, and until further Order shall be made thereon by the Court of Gaol Sessions; and such Arbitrators shall also assess the Courts of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Order for Money to be transmitted to Treasurers of the several Ridings or Divisions.

IX. And be it further enacted, That when and so often as the Court of Gaol Sessions shall find it requisite to raise Money for the Purposes of the said recited Act or of this Act, they shall make an Order accordingly, and their Clerk shall forthwith transmit a Copy of such Order, signed by the Chairman, together with the Amount of the Sum of Money to be paid by virtue of it, according to the then existing Proportions, by each Riding or Division, to the Treasurers of the several Ridings or Divisions of the County; which Treasurers shall forthwith out of the Monies in their Hands, or if those Monies shall be insufficient, then so soon as sufficient Monies shall come to their Hands, pay the Sum required to the Treasurer of the County Gaol, and take his Receipt for the same.

X. And

Rates may be mortgaged for raising the Money.

X. And be it further enacted, That when the Monies necessary to be raised for the Purposes of the said recited Act or of this Act shall exceed One Half of the ordinary Aggregate Amount of all the Annual Assessments for the Rates of the several Ridings or Divisions of any such County, taken on an Average of all such Rates for the last Seven Years preceding, the Court of Gaol Sessions may and is hereby authorized to mortgage all the Rates of such County, by such Instrument, and in such Ways and Means, and under such Provisions of Repayment, and with the same Power of Assignment, as in the said recited Act are enacted respecting the Mortgage of any County Rates therein mentioned.

Rates on each Riding or Division to be charged in same Manner as Rates on Counties by recited Act.

XI. And be it further enacted, That the Court of Gaol Sessions shall and is hereby required to charge all the Rates upon the several Ridings and Divisions of the County, in the same Manner and for the same Purposes as in and by the said recited Act the Justices in their General or Quarter Sessions are authorized and required to charge the Rates of any County having One Rate for the Whole; and all the Ways, Means, and Methods by the said recited Act directed and allowed, as to the Repayment of Monies borrowed and the Interest thereof, and the Accounts respecting the same, shall be kept and observed by the Court of Gaol Sessions, respecting the Monies borrowed on account of the Gaol of any County so divided as aforesaid; provided that all the Monies to be raised on the several Ridings or Divisions of any such County, for repaying Money borrowed or the Interest thereof, shall be raised in the same Proportions as other Monies for the Purposes of the said recited Act or of this Act shall be raised at the Time of such Money being so raised.

Reports to be transmitted, and laid before Court of Gaol Sessions.

XII. And be it further enacted, That all Reports and Statements directed by the said recited Act to be made to the General or Quarter Sessions, shall be transmitted on or before the First Days of *January*, *April*, *July*, and *October*, to the Clerk of the Gaol Sessions, and be by him laid before the Court at the Sessions.

Reports, &c. to be transmitted by Chairman of Court of Gaol Sessions to Secretary of State.

XIII. And be it further enacted, That the Chairman of the first Court of Gaol Sessions held after the First Day of *October* in each Year, shall, within Fourteen Days after the Determination of such Sessions, or any Adjournment thereof, transmit to One of His Majesty's Principal Secretaries of State such Account of Proceedings, and such Copies of Rules and Regulations, as in and by the said Act are ordered to be transmitted by the Chairman of the *Michaelmas* Quarter Sessions, and shall at the same Time, or within Three Months afterwards, transmit such Plans as in the said Act are mentioned.

Returns from Keeper of Prisons to be delivered to Clerk of Gaol Sessions.

XIV. And be it further enacted, That the Return directed to be made annually by the Keeper of every Prison, in the Form contained in the Schedule annexed to the said recited Act, marked (B.), shall be annually made by the Keeper of every Gaol of every County so divided as aforesaid, and delivered to the Clerk of the Gaol Sessions of such County, Two Weeks at least before the First Day of *October*

in each Year; and that such Clerk shall on the said First Day of *October* prepare a General Report founded on the Report of the Visiting Justices and that of the Chaplain, and on the Certificates and Reports of the Keeper of the said Gaol, and on any other Report or Document respecting the said Gaol, and shall lay the same before the next Gaol Sessions; and such Report, when approved by such Sessions, shall be signed by the Chairman thereof, and shall be by him, together with a Copy of the Schedule (B.), transmitted to One of His Majesty's Principal Secretaries of State, for the Purposes in the said recited Act mentioned.

By whom Convictions for Recovery of Fines, &c. shall be made.

XV. And be it further enacted, That if any Matter or Thing be done within any County so divided as aforesaid, for which any Fine, Penalty, or Forfeiture is by the said recited Act imposed and directed to be paid to the County Treasurer, every Conviction made in pursuance of the said recited Act for such Matter or Thing, shall be made by One or more Justices of the Peace of the Riding or Division in which the Offence is committed; and all Forfeitures, Fines, and Penalties thereon accruing, shall be paid to the Treasurer of the County Gaol for the Purposes of this Act.

Common Gaol of County to be deemed within each Riding or Division.

XVI. And be it further enacted, That in the Case of every County so divided as aforesaid, the Common Gaol of such County shall, for all Purposes relative to the Jurisdiction of Justices of the Peace, be deemed to be within and taken as Part of each of the Ridings and Divisions of which such County is composed; and every Justice of the Peace for each of such Ridings and Divisions shall have like Power and Authority to execute all Things appertaining to his Office therein, as in any Part of the Riding or Division to which his Commission specially extends.

Public Act.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

Act may be altered in the present Session.

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

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