

ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxix.

An Act to continue, enlarge, and explain several Acts for erecting a Bridewell for the County of *Lanark* and City of *Glasgow*.

[14th *April* 1840.]

WHEREAS an Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for erecting a Bridewell for the County of* Lanark 3 G. 4. c. 54.
and City of Glasgow, and another Act was passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act for amending* 5 G. 4. c. 149.
an Act passed in the Third Year of the Reign of His present Majesty, for erecting a Bridewell for the County of Lanark *and City of* Glasgow, in virtue of which recited Acts, and of certain Powers contained in another Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for erecting and main-* 6 & 7 W. 4. c. 24.
taining a Justiciary Court Hall and other Apartments for the Use of the Justiciary Court at Glasgow, *and also Public Offices for the City of* Glasgow *and the Lower Ward of the County of* Lanark *; and for other Purposes therein mentioned*, the Commissioners appointed under the Authority of the said first Two recited Acts have

erected,

erected, and from Time to Time extended and improved, the said Bridewell, and are in the course of still further extending and improving the same: And whereas an Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland, whereby it is enacted, that from and after the First Day of *July* One thousand eight hundred and forty the said Bridewell shall be vested in and transferred to the Prison Board for the County of *Lanark*, thereby authorized to be appointed, and that the said Board shall thereafter possess and exercise the full Power of Administration and Management of the said Bridewell in the Manner therein provided: And whereas the said Commissioners have, in the Erection, Extension, and Improvement of the said Bridewell, incurred certain Debt, which on the Second Day of *August* One thousand eight hundred and thirty-nine amounted to Six thousand four hundred and twelve Pounds Six Shillings Sterling, and is still unpaid; and it has been ascertained that the Sums of Money which the said Commissioners are by the said first Three recited Acts authorized to raise will not be sufficient for the Payment of the said Debt, and of the Expence incurred and still to be incurred by the said Commissioners in the Execution of the Powers of the said first Three recited Acts, before the said Bridewell shall be transferred, as before mentioned, to the said Prison Board for the County of *Lanark*: And whereas it is proper and expedient that Provision should be made for the Payment of the said Debt and Expences, and that certain of the Powers and Provisions of the said first Two recited Acts, relating to the Apprehension, Prosecution, Conviction, and Punishment of Criminal Offenders in the Lower Ward of the County of *Lanark* and in the City of *Glasgow*, should be continued; but these Purposes cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the whole Powers, Authorities, Provisions, Assessments, Payments, Penalties, Remedies, Clauses, Matters, and Things whatsoever contained in the said recited Acts passed in the Third and Fifth Years of the Reign of His Majesty King *George* the Fourth, and also contained in the said recited Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, as far as relating to the said Bridewell, shall, as far as the same are not repealed by the said recited Act passed in the Third Year of the Reign of Her present Majesty for improving Prisons and Prison Discipline in *Scotland*, and so far as not repealed, varied, or altered by this Act, be and the same are hereby continued in full Force, Operation, and Effect, and shall be as good, valid, and effectual for carrying this Act into execution as if the same had been re-enacted and embodied in this Act.

2 & 3 Vict. c. 42.

Powers of the First Three recited Acts, so far as not repealed by 2 & 3 Vict. c. 42. applied to this Act.

II. And

Commissioners may raise a further Sum of Money.

II. And be it further enacted, That it shall be lawful to the Commissioners appointed by and acting under Authority of the said first Three recited Acts and this Act to raise by Assessment in manner herein provided, in addition to the Sums of Money which they have already levied and applied towards the Erection, Extension, and Improvement of the said Bridewell, and the other Purposes of the said first Three recited Acts, such further Sum or Sums of Money as shall be necessary and sufficient to pay the said Debt, and to defray the whole Costs and Expences incurred by them, and to be incurred, until the said Bridewell be transferred as aforesaid to the said Prison Board for the County of *Lanark*, in the Erection, Extension, Improvement, Repair, Management, and Maintenance of the said Bridewell, and the Prisoners confined therein, and the Interest accruing on the said Debt, and on any Sum or Sums of Money to be borrowed in virtue of this Act, as herein-after provided.

Further Sum to be raised by Assessment, in the Manner directed by 5 G. 4. c. 149.

III. And be it further enacted, That the said Commissioners shall be entitled and they are hereby authorized and empowered to raise the said additional Sum or Sums of Money by an Assessment or Assessments on the Lands, Tenements, Heritages, and Properties situate within the ancient and extended Royalty of the City of *Glasgow*, and within the Lower Ward of the County of *Lanark*, which are by the said recited Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth made liable in the annual Assessment thereby authorized to be imposed for the Support, Repair, and Maintenance of the said Bridewell; and the said Assessment or Assessments hereby authorized shall be imposed, exacted, levied, and recovered by the said Commissioners in the same Way and Manner, and in the like Proportions, and by the same Means, as the said annual Assessment for the Support, Repair, and Maintenance of the said Bridewell is by the said Act last mentioned authorized to be imposed, exacted, levied, and recovered.

Assessments may be distributed over Five Years, and Commissioners may borrow Money thereon.

IV. And be it further enacted, That the said Commissioners may and they are hereby empowered to distribute the said Assessment hereby authorized to be made over as many Years, not exceeding Five, as to them shall seem judicious and expedient, and from Time to Time to take up at Interest upon the Credit of the Assessments hereby authorized to be made any Sum or Sums of Money not exceeding in all at any one Time the Sum of Twelve thousand Pounds Sterling, and to assign the said Assessments in security of the Payment thereof.

Surplus Assessment, if any, to be paid to Prison Board of Lanarkshire.

V. And whereas it may not be practicable to levy by Assessment as aforesaid an Amount precisely sufficient, and no more than necessary for the Purposes before mentioned; be it further enacted, That the said Commissioners shall be bound to limit the Assessments made by them to an Amount as nearly as can be ascertained sufficient and necessary for the Purposes aforesaid, and in the event of

of any surplus Money remaining over after Fulfilment of the Purposes aforesaid they shall pay such Surplus to the said Prison Board for the County of *Lanark*, to be by the said Board applied towards the Expence of building, altering, and repairing the local Prisons within the said County.

Powers of committing Vagabonds and other Offenders to Bridewell continued, and extended to other legal Prisons.

VI. And whereas the said first Two recited Acts contain certain Powers and Provisions for enabling the Sheriff of the County of *Lanark* and his Substitutes, and the Justices of the Peace of the said County, and the Magistrates of the City of *Glasgow*, and of the Barony and Justiciary of *Gorbals*, and of the Burgh of *Rutherglen*, to fine, and to commit to the said Bridewell, under the like Sentences as to the Nature and Period of Confinement, and with the like Powers of enforcing Labour and Industry therein, as are competent by Law or Statute to the Sheriff or Magistrates of any County or Burgh in *Scotland*, all Persons who have been guilty of Offences within the Lower Ward of the County of *Lanark* (excepting the Burgh of *Calton*, and Village and Lands of *Mile End*,) and within the City of *Glasgow*, and all Idlers, Vagabonds, public and sturdy Beggars, and Persons having no settled Place of Residence, or following no lawful Employment, who should be found within the said Limits; be it further enacted, That the said Powers and Provisions shall continue, and the same are hereby continued, in full Force and Effect, and that from and after the Time when the said Bridewell shall be vested in and transferred as before mentioned to the Prison Board for the County of *Lanark* it shall be in like Manner lawful to the said County, City, and Burgh Magistrates respectively, or any One of them, to commit, under the like Sentences, all such Offenders, Idlers, Vagabonds, Beggars, and other Persons aforesaid, either to the said Bridewell, or to any other Prison or House of Correction within the County of *Lanark* which may for the Time be appointed according to Law for the Reception of such Offenders, Idlers, Vagabonds, and other Persons.

Mode of proceeding in prosecuting and convicting for certain Offences.

VII. And be it further enacted, That as much of the said first Two recited Acts as provides that in all Prosecutions against Offenders for Crimes committed within the Lower Ward of the County of *Lanark* or the City of *Glasgow*, when the Punishment shall not exceed Sixty Days Confinement in the said Bridewell, or the Fine to be imposed shall not exceed Five Pounds Sterling, may be of a summary Nature, and without written Pleadings, and that the Commitments thereon shall be in a certain Form, and as much thereof as relates to the Application of Fines, Penalties, and Forfeitures imposed by the foresaid County Magistrates and the Magistrates of *Rutherglen* shall be and the same is hereby repealed; and that from and after the Date hereof, in all Prosecutions before the Sheriff of the County of *Lanark* or his Substitutes, or before the Justices of the Peace for the said County, or any One of them, or before the Magistrates of *Rutherglen*, against Offenders for Crimes committed

within the County of *Lanark* or within the City of *Glasgow*, when the Punishment shall not exceed Sixty Days Confinement in the said Bridewell or any legal Prison, or where the Fine to be imposed in virtue of any Statute, or according to Common Law, shall not exceed Five Pounds, the Procedure against such Offenders may be of a summary Nature, without any written Pleadings or Record of Evidence: Provided always, that a Record shall be kept of the Charge, and of the Judgment pronounced by the said Sheriffs, Justices, or Magistrates respectively against such Offenders, by the Sheriff Clerk, or his Deputy, or by the Clerk of the Peace, or his Deputy, or by the Town Clerk of *Rutherglen*, acting as legal Assessors at such Trials respectively; and the Judgments and Warrants of Commitment following upon such summary Proceedings may be printed or written, or partly printed or partly written, in the Form following; *videlicet*,

'AT [*the Place*] the Day of in a Court held
'by [the Sheriff of *Lanarkshire*, *or his Substitute*, Justice of the
'Peace, *or* Magistrate of *Rutherglen*, *as the Case may be*,] in
'Terms of Law, [*Name and Designation of the Party convicted*] was
'charged at the Instance of the Procurator Fiscal of Court with
'[*here state the Nature of the Offence*], and the said Judge pronounced
'as follows [*here state the Judgment*]:—

'*C. D.* Clerk. '*A. B.* Justice of the Peace, *or*
'Magistrate.

And the Sheriff Clerk, or his Deputy, the Clerk of the Peace, or his Deputy, or the Town Clerk of *Rutherglen*, as the Case may be, shall fill in the Name and Designation of the Party convicted, and the Charge, and Judgment; and every such Judgment, and Warrant of Commitment, being signed by the Magistrate who has pronounced the same, and by the Clerk, or Deputy Clerk, acting for the Time, shall be good and valid in Law, and shall be a legal Authority to the Keeper of the said Bridewell, and, after the said Bridewell shall have been transferred as aforesaid to the Prison Board for the County of *Lanark*, to the Keeper of any other legal Prison or House of Correction in the County of *Lanark*, for the Commitment of the Offender therein named.

Application of Fines, Penalties and Forfeitures.

VIII. And be it further enacted, That from and after the passing of this Act the whole Fines, Penalties, and Forfeitures which shall be recovered under Judgments pronounced upon such summary Proceedings by any of the said County Magistrates, or by the Magistrates of *Rutherglen*, shall be paid to the Commissioners of Supply of the County of *Lanark*, or to any Person to be appointed by them, and shall form Part of the Rogue Money of the said County; and that the said Commissioners of Supply shall out of the Rogue Money of the said County pay to the said Sheriff Clerk, and his Deputies, the said Clerk of the Peace, and his Deputies, and the Town Clerk of *Rutherglen*, such Remuneration for their Trouble in

acting as Assessors at such summary Proceedings, keeping the foresaid Record, and making out the Judgments and Warrants of Commitment, as to the said Commissioners of Supply shall seem adequate and reasonable, and shall out of the said Rogue Money also pay to the Procurator Fiscal prosecuting in such Proceedings the other Costs and Expences of apprehending, prosecuting, convicting, and committing Offenders in the summary Manner authorized by this Act.

Expences of Act.

IX. And be it further enacted, That the Expences of obtaining this Act, and incurred in relation thereto, shall be paid from and form Part of the Sums of Money hereby authorized to be raised by Assessment in manner herein-before provided.

Public Act.

X. 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.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.