

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. CI.

An Act to provide for the Expenses of erecting and maintaining Lock-up Houses on the Borders of Counties. [4th *September* 1848.]

WHEREAS by an Act of Parliament passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Appointment and Payment of Parish Constables*, it was enacted, that it should be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled, if they should think fit, to order that Lock-up Houses for the temporary Confinement of Persons taken into Custody by any Constable, and not yet committed for Trial, or in execution of any Sentence, should be provided in such Places within their County as the said Justices should think fit, and for that Purpose to purchase and hold Lands and Tenements, or to appropriate to that Purpose any Lands and Tenements belonging to the County which were not needed for the Purpose to which they were applied or intended to be applied before such Appropriation, or, instead of providing new Lock-up Houses, to order that the Lock-up Houses, Strong-rooms, or Cages belonging to any Parish be appropriated for the Purpose of that Act, and, if necessary, be enlarged or improved, and that the Expenses of building, hiring, or otherwise providing, repairing, and furnishing such Lock-up Houses should be defrayed out of the County Rates: 5 & 6 Vict. c. 109.

And

And whereas it is often desirable that on the Borders of Two or more Counties or Places having respectively a separate General or Quarter Sessions of the Peace, or in some other Situation convenient for the common Use of such Counties or Places, a Lock-up House for the Purposes in the said Act mentioned should be provided and maintained, to which Persons apprehended by Constables or remanded by Justices in each of such Counties or other Places may be temporarily confined previously to their being committed for Trial, or in execution of any Sentence: 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 it shall be lawful for the Justices of the Peace in and for any County, and for the Mayor, Aldermen, and Burgesses of any Borough (having a separate Commission of the Peace), to agree with the Justices of the Peace of any One or more County or Counties, or with the Mayor, Aldermen, and Burgesses of any One or more such Borough or Boroughs, that a Lock-up House shall be erected, hired, or otherwise provided at some Place or Places on or near any common Boundary, or in any other Situation convenient for the Purposes aforesaid, or that a Lock-up House for any County or Borough, or any Lock-up House, Strong-room, or Cage which might have been appropriated for a County under the said Act, and which shall be in a Situation convenient for the Purposes aforesaid, shall be appropriated, and, if necessary, enlarged or improved for such Purposes accordingly, and that the same shall be so provided or appropriated, enlarged and improved, and shall be from Time to Time repaired and furnished, and a Superintendent Constable appointed and paid for taking charge thereof, at the joint Expense of the Counties and Boroughs, by the Justices and Mayor, Aldermen, and Burgesses of which respectively such Agreement shall be made, in such Manner and Proportions as in the said Agreement shall be specified: Provided always, that no such Lock-up House shall be erected, hired, provided, appropriated, enlarged, or improved, except upon such Plan as shall be approved of by One of Her Majesty's Secretaries of State: Provided also, that every such Lock-up House shall be subject to the Inspection of the Inspectors of Prisons.

Power to Justices to enter into Agreements for providing Lock-up Houses for Two or more Counties, &c. which shall be maintained at their joint Expense.

No Lock-up House to be erected except as approved by Secretary of State.

II. And be it enacted, That it shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled (and due Notice having been previously given according to the Practice of the said Sessions) to take into consideration the Expediency of making any such Agreement as aforesaid with any such Parties as aforesaid, and if the Justices then and there assembled shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Justices for the said County to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid for the Purposes aforesaid, and from Time to Time at such Quarter Sessions, or at any Adjournment thereof, to fill up any Vacancy in the said Committee; and it shall be also lawful for the Council of any such Borough, at a Special Meeting to be called for that Purpose, to take into consideration the Expediency of making any such Agreement as aforesaid

Justices in Quarter Sessions may appoint a Committee of Justices;

and Councils of Boroughs may appoint a Committee

aforesaid with any of such Parties as aforesaid, and if the Council shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Persons, being Members of such Council or Justices for such Borough, to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid for the Purposes aforesaid, and from Time to Time at a quarterly Meeting of the Council to fill up any Vacancy in the said Committee.

of Councillors to make such Agreement.

III. And be it enacted, That the Committees so appointed shall be deemed to represent severally each of the contracting Parties, and shall meet and form One Joint Committee, and may draw up an Agreement for the Purposes of this Act, which Agreement, when subscribed by the greater Number of the Members of such Joint Committee severally representing each of the contracting Parties, and approved as herein-after directed, shall be binding upon all the said Parties to all Intents and Purposes; and every such Agreement shall specify the Place where such Lock-up House is to be situated, and the Salary of the Superintendent Constable, and the Proportion in which the Expenses of purchasing (where a Site is to be purchased) the Site, and of building or enlarging, improving and fitting and furnishing, such Lock-up House, and of repairing the same; and the Salary of such Superintendent Constable shall be borne by each of the contracting Parties; and such Agreement may specify or provide where a Site is to be purchased for the Appointment of Trustees to and in whom the same shall be conveyed and vested in trust for all the Counties and Boroughs on behalf of which the same shall be purchased; and such Agreement shall provide how the Appointment of the Superintendent Constable of such Lock-up House shall be from Time to Time made.

Committees so appointed may unite for the Purpose of forming One Committee.

Agreements to specify Situation of Lock-up House.

IV. And be it enacted, That wherever any Agreement shall have been so entered into and signed, the Committee appointed by each County and Borough respectively shall report the Agreement for Approval to the General or Quarter Session of the Peace of every such County holden next after the making thereof, and to a Special Meeting of the Council of every such Borough, to be convened for the Purpose, and shall deliver to the Court and Council respectively a Duplicate of the Agreement to be filed by the Clerk of the Peace and by the Town Clerk of each of the said Parties respectively, to be by them kept with the Records of the several Parties aforesaid: Provided always, that if such Agreement be not so approved, it shall be lawful for the said contracting Parties severally to refer the same back for Reconsideration to the said Joint Committee, after which the same shall be again reported until finally approved as aforesaid, or until any of the Parties shall break off the Agreement or Treaty; and after such Agreement shall have been approved the Justices of each County and the Council of each Borough concerned therein may direct the Committees by them respectively appointed to re-assemble, or may from Time to Time appoint other Committees to meet, together with Committees appointed by the Justices or Council, as the Case may be, of the other County or Borough concerned therein, to execute such Agreement, and to do all necessary Acts consequent

Agreements to be approved by General or Quarter Sessions and Councils of Boroughs respectively.

Committees may be directed to re-assemble, or other Committees may be appointed, for carrying the

Agreement into execution.

sequent upon such Agreement as occasion may require; and such Committees shall have Power to do all necessary Acts accordingly, and may cause to be purchased and conveyed in such Manner as by such Agreement shall be provided, or as the Justice or Justices and Council, Parties to any such Agreement, may direct, any Land which may be required for the Purposes of this Act.

Lock-up Houses provided under this Act to be deemed Lock-up Houses for each County or Borough.

V. And be it enacted, That so far as respects the Power to detain therein and remand thereto, and to convey thereto and therefrom, Persons taken into Custody, every such Lock-up House shall be deemed a Lock-up House in and for each of the Counties and Boroughs for the joint Use of which the same shall be provided, and all Justices, Constables, and others shall have Authority accordingly.

Superintendents to hold Office during good Behaviour, and be paid a Salary, and have Powers of Parish Constables.

VI. And be it enacted, That every Superintendent Constable so appointed as aforesaid to take charge of such Lock-up House as aforesaid shall be entitled to hold his Office during good Behaviour, or until he shall be dismissed therefrom by the Orders of such Justices and Council, or otherwise as by such Agreement may be provided, and shall be paid such Salary, and in such Manner, and at such Times, and in such Proportions, out of the County, Borough, or other Rates, as shall be provided by such Agreement; and every such Superintending Constable shall have all the Powers and Immunities of a Parish Constable under the said recited Act, and shall have the Superintendence of all the Parish Constables appointed in such Parishes as shall be specified in the said Agreement, and under such Regulations as shall be therein provided.

Interpretation of Act.

VII. And be it enacted, That in this Act the Word "County" shall include every Riding, Part, or Division of a County having a separate Commission of the Peace, and every Liberty having a separate Commission of the Peace; the Word "Borough" shall include a City, Town, or Port; Words importing the Plural Number shall include the Singular Number, and Words importing the Singular Number shall include the Plural Number.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1848.