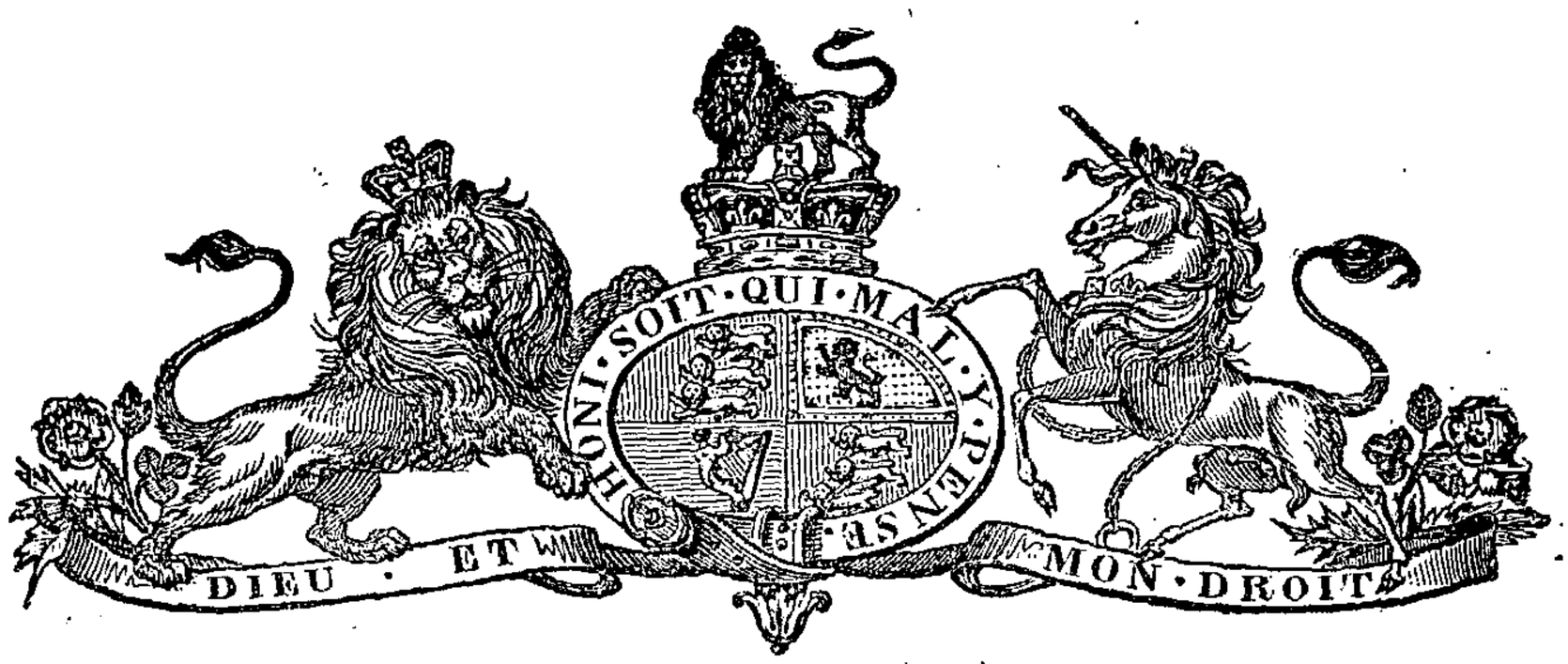


ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. xxiii.

An Act for the Union of the Prisons of the County of *Worcester* and of the City and County of the City of *Worcester*; and for other Purposes.

[31st *May* 1867.]

WHEREAS there are now Two separate Prisons situate within the Limits of the City of *Worcester*, namely, One for the County of *Worcester* and One for the City and County of the City of *Worcester*: And whereas the Prison for the City and County of the City of *Worcester* is of defective Construction so that the proper Separation of Prisoners therein cannot be maintained: And whereas it would conduce to Economy of Management, and would otherwise be of local Advantage, if the Two Prisons were united: And whereas it has been agreed between the Justices of the Peace for the County of *Worcester* in Quarter Sessions assembled and the Mayor, Aldermen, and Citizens of the City of *Worcester* (in this Act referred to as the Corporation) that the Two Prisons should be united on the Terms of the Corporation, providing additional Cells not exceeding Forty-eight in Number, and on such other Terms and Conditions as are in this Act expressed: And whereas it is expedient that for the Purposes of this Act the Corporation be empowered to take certain Lands compulsorily: And whereas the Objects aforesaid

cannot be attained without the Authority of Parliament: And whereas duplicate Plans of the Lands which may be taken compulsorily under this Act, and a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands, and describing those Lands, have been deposited with the Clerk of the Peace for the County of *Worcester* and with the Clerk of the Peace for the City and County of the City of *Worcester* (which are in this Act referred to as the deposited Plans and Book of Reference): 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, as follows; (that is to say,)

Short Title.

1. This Act may be cited as The *Worcester* Prison Act, 1867.

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 16., and 23 & 24 Vict. c. 106. incorporated.

2. The following Acts (as far as they are applicable for the Purposes and not inconsistent with the Provisions of this Act) are hereby incorporated with this Act; (that is to say,)

The Lands Clauses Consolidation Act, 1845, (except Sections One hundred and twenty-seven and One hundred and twenty-eight,) and the Lands Clauses Consolidation Acts Amendment Act, 1860:

The Provisions of the Commissioners Clauses Act, 1847, with respect to the Mortgages to be executed by the Commissioners.

Interpretation of Terms.

3. In this Act—

The Term "the Municipal Corporation Acts" means the Act of the Session of the Fifth and Sixth Years of King *William* the Fourth (Chapter Seventy-six), "to provide for the "Regulation of Municipal Corporations in *England* and "*Wales*," and all Acts for the Time being in force amending the same, or otherwise relating to Municipal Corporations in *England*;

The Term "the Secretary of State" means One of Her Majesty's Principal Secretaries of State;

The Term "the County" means the County of *Worcester*;

The Term "the Justices of the County" means the Justices of the Peace for the County in General or Quarter Sessions assembled;

The Term "the County Prison" means the Prison for the County existing at the passing of this Act;

The Term "the City" means the City and County of the City of *Worcester*;

The Term "the City Prison" means the Prison for the City existing at the passing of this Act;

The

The Term "the *Worcester* Prison" means the Prison for the County of *Worcester* and the Prison for the City of *Worcester* when united under this Act;

And the Term "the Commissioners" in the Provisions of the Commissioners Clauses Act, 1847, incorporated with this Act, shall for the Purposes of this Act mean the Corporation.

Act to be executed by Corporation.

4. This Act (as far as it relates to the Corporation) shall be executed by the Corporation acting by the Council of the City and (subject to the express Provisions of this Act) according to the Municipal Corporation Acts and other Acts and Laws for the Time being in force affecting the Corporation.

Power to take Lands referenced.

5. Subject to the Provisions of this Act and of the Acts incorporated wholly or in part with this Act, the Corporation may from Time to Time enter on, purchase, take, hold, and use the Lands described in the deposited Plans and Book of Reference, or such of them as they require for Purposes of this Act.

Powers for compulsory Purchases limited.

6. The Powers of the Corporation for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Corporation to erect new Prison Buildings.

7. Subject to the Provisions of this Act, the Corporation at their own Expense on Lands taken by them under this Act, and on the Site of Parts of the County Prison adjoining thereto, and according to a Plan agreed or to be agreed on between them and the Justices of the County, and approved by the Secretary of State, may erect and fit up and furnish Buildings for Prison Purposes (in this Act referred to as the new Prison Buildings), and shall cause the same to communicate with the Buildings of the County Prison, and shall, at their own Expense, reinstate to the Satisfaction of the County Surveyor all Parts of the Buildings of the County Prison removed for or injured in the Construction of the new Prison Buildings.

Power to contract for Works.

8. The Corporation may from Time to Time contract with any Person for executing or doing any of the Works or Things by this Act authorized to be executed or done by them, and all such Contracts shall be in Writing sealed with the Common Seal of the Corporation and signed by the Person contracting, and shall specify the Works and Things so to be executed and done, and the Prices at and the Times within which they are to be executed and done, and the Corporation may take such Bond or other Security from every Contractor for the due Performance of his Contract as they think sufficient.

9. The

Power to compound with Contractors.

9. The Corporation may from Time to Time compound with any Person having entered into any Contract with them under this Act for any Penalty contained in such Contract or in any Bond or other Security for the Performance thereof, or on account of any Breach or Nonperformance of such Contract, Bond, or Security, for such Sum of Money or other Recompence as they think proper, which shall be carried to the City Fund.

Union of City and County Prisons.

10. On the Completion of the new Prison Buildings (which Completion shall be ascertained and certified in such Manner as the Secretary of State thinks fit to direct) the County Prison and the City Prison shall be by virtue of this Act united into One Prison (which Union is in this Act referred to as the Union), and the County Prison shall cease to be a Prison for the County exclusively, and the Buildings of the County Prison and the new Prison Buildings (with their respective Appurtenances) shall be deemed to constitute together One Prison, which shall be the Prison for the County and the Prison for the City, and shall be called the *Worcester* Prison.

Prison to be subject to certain Provisions of 28 & 29 Vict. c. 126. (*Public.*)

11. Subject to the Provisions of this Act, the *Worcester* Prison shall be deemed to be a Prison to which the Prison Act, 1865, applies (being also a Place of Confinement for Debtors), and if any Doubt arises respecting the Operation of the Prison Act, 1865, in conjunction with this Act in relation to the *Worcester* Prison, the same may, on the Application of the Justices of the County or of the Corporation, be determined by the Secretary of State (if he thinks fit), and in every such Case the Determination of the Secretary of State shall be final and binding.

Prison to be within City for City Prison Purposes.

12. The *Worcester* Prison shall be deemed to be within the City so far as may be requisite in order to its being with full Effect in Law the City Prison.

Offences in Prison Shire Hall, &c.

13. Notwithstanding anything in this Act, all Offences committed in the *Worcester* Prison, or in the Hall known as the Shire Hall of the County, or within their respective Precincts or Appurtenances, shall be deemed to be committed within the County.

Removal of Prisoners *from* City Prison.

14. Within Forty-eight Hours after the Receipt by the Town Clerk of the City of the Certificate by this Act required on which the Union will take effect the Town Clerk of the City shall certify the Fact of the Union in Writing under his Hand to the Gaoler of the City Prison and to the Gaoler of the *Worcester* Prison, and the Gaoler of the City Prison, within Seven Days after the Receipt by him of such Certificate of the Town Clerk, shall, without Writ of Habeas corpus or other Writ, and without other Direction than the Provisions of

of this Act, remove the Prisoners, if any, (whether sentenced or committed or Debtors,) in the City Prison to the *Worcester* Prison, and deliver every such Prisoner into the Custody of the Gaoler of the *Worcester* Prison, with the Writ and other Process under which each such Prisoner was confined; and the Gaoler of the *Worcester* Prison shall receive every such Prisoner, and shall give a Receipt for him to the Gaoler of the City Prison: Provided always, that the Secretary of State may suspend the Removal of Prisoners under this Section in case of the Existence at the Time at which such Removal would otherwise take effect of any contagious or infectious Disease either in the City Prison or in the *Worcester* Prison, or for any other Cause appearing to him sufficient.

Discontinuance of City Prison.

15. On the Removal of the Prisoners from the City Prison as in this Act provided, or in case at the Union there is no Prisoner confined therein then on the Union, the City Prison shall cease to be a Prison.

Vesting of Prison in trust for County and City.

16. On the Union the *Worcester* Prison and its Site and Appurtenances shall, by virtue of this Act, become and thenceforth the same shall remain and be vested in the Clerk of the Peace for the County for the Time being and the Town Clerk of the City for the Time being, and their respective Successors in Office, jointly in trust as to Five equal Sixth Parts thereof for the Justices of the County, and as to the remaining One equal Sixth Part thereof for the Corporation.

County Officers continued.

17. The Officers of the County Prison in Office at the Time of the Union shall continue to hold respectively the like Offices in the *Worcester* Prison after the Union and as if this Act had not been passed, subject nevertheless to the Powers of the Visitors under this Act.

Appointment of Visitors for County.

18. Section Fifty-three of the Prison Act, 1865, shall for the Purposes of and in relation to the County extend and apply to the *Worcester* Prison, subject to the other Provisions of this Act, and to the following Provisions; namely,

(1.) The Number of Justices appointed as Visitors by the Justices of the County under that Section shall not exceed Eleven:

(2.) No such Report as in that Section directed shall be made by the Visitors appointed by the Justices of the County.

Appointment of Visitors for City.

19. The Corporation shall from Time to Time appoint from among the Justices of the Peace for the City Justices not exceeding Four in Number with their Consent to be Visitors of the *Worcester* Prison.

Times, &c. for Appointments.

20. The Justices of the County and the Corporation may agree on the respective Times for the making and taking effect of the respective Appointments by them of Visitors.

Visitors to be Visiting Justices and Prison Authority with Powers of Justices in Sessions.

21. The Persons appointed under this Act by the Justices of the County and the Corporation to be Visitors (in this Act referred to as the Visitors) shall be deemed to be the Visiting Justices of the *Worcester* Prison within the Meaning of the Prison Act, 1865, and (subject to the Provisions of this Act) the Visitors shall also be the Prison Authority for the *Worcester* Prison within the Meaning of the Prison Act, 1865, and (subject to the Provisions of this Act) the Visitors shall also have and discharge in respect of the *Worcester* Prison all the Rights, Powers, and Duties by the Prison Act, 1865, vested in or imposed on the Justices in Sessions assembled, and a Meeting of the Visitors shall for the Purposes of that Act be equivalent to a Sessions of Justices.

Tenure of Office of Visitors and casual Vacancies.

22. The Visitors appointed by the Justices of the County and by the Corporation respectively shall hold their respective Offices as Visitors for One Year from the Time of their respective Appointments, and in case any Vacancy happens among the Visitors during such Year by Death, Resignation, or otherwise, the same shall be filled up by the Appointment of a Person qualified according to this Act by the Justices of the County or the Corporation, as the Case requires.

Chairman of Quarter Sessions and Mayor to be Visitors.

23. The Chairman for the Time being of the Court of Quarter Sessions for the County and the Mayor of the City for the Time being shall always by virtue of their respective Offices be Visitors under this Act, with all the same Powers, Authorities, Rights, Privileges, and Duties as if they had respectively been appointed Visitors by the Justices of the County and the Corporation, and shall be deemed to be comprised in the Term the Visitors in this Act.

Appointment of Treasurer.

24. The Visitors shall appoint a fit Person to be their Treasurer during Pleasure, and shall fix and pay the Amount of his Remuneration, and shall require him to give Security of such Nature and Amount as they from Time to Time think fit, and shall from Time to Time in like Manner fill up any Vacancy occurring in that Office.

Quarterly Report of Visitors.

25. The Visitors shall make a Quarterly Report on the Prison, which shall be laid by them before the Justices of the County and the Corporation.

Validity of Acts notwithstanding Vacancies, &c.

26. No Proceeding of the Visitors shall be invalidated or illegal in consequence only of there being any Vacancy in the Number of Visitors at the Time of such Proceeding, or of there being any Defect in the Appointment of any of the Visitors.

Rules for Visitors.

27. Under Section Fifty-four of the Prison Act, 1865, the Visitors shall from Time to Time make Rules for determining and regulating

regulating their Duties and Proceedings, but no Rule so made shall be valid if inconsistent with any Provision of this Act, nor shall any such Rule be put in force until it has been confirmed by the Justices of the County and by the Corporation, and has been approved by the Secretary of State.

Visits to Prison by Justices not being Visitors.

28. Section Fifty-five of the Prison Act, 1865, shall extend and apply to each Justice of the County and to each Justice of the City in relation to the *Worcester* Prison.

Contracts by Visitors.

29. The Visitors may from Time to Time enter into such Contracts either for Repairs, or Alterations, or otherwise, as to them may seem requisite in or for the Execution of this Act, and every such Contract whereof the Value or Amount exceeds Ten Pounds shall be in Writing, and shall be made on the Part of the Visitors by the Style of the Visitors of the *Worcester* Prison (so described without any Person being named), and shall be signed by the Chairman of the Meeting of the Visitors at which the same is entered into, and shall specify the Works, Materials, or Things to be done or supplied, and the Prices at and the Times within which the same are to be done or supplied, and the Visitors may take (by the Style aforesaid) such Bond or other Security from every Contractor for the due Performance of his Contract as they think sufficient.

Power to compound with Contractors.

30. The Visitors may from Time to Time compound with any Person having entered into any Contract with them under this Act for any Penalty contained in such Contract, or in any Bond or other Security for the Performance thereof, or on account of any Breach or Nonperformance of such Contract, Bond, or Security for such Sum of Money or other Recompence as the Visitors think proper, and the same shall be accounted for and applied as the Rules under this Act prescribe.

Actions, &c. by and against Visitors.

31. The Visitors may sue and be sued by the Style of the Visitors of the *Worcester* Prison (so described without any Person being named) in relation to any Contract, Property, or Thing done by or on behalf of or vested in the Visitors, and in any Proceedings (criminal or other) by or against them respecting any Property or Thing vested in the Visitors it shall be sufficient to state generally that the Property or Thing in question is the Property of the Visitors of the *Worcester* Prison (so described without any Person being named), and no Proceeding shall abate or be discontinued or prejudicially affected by or by reason of any Change or Vacancy of or among the Visitors by Death, Resignation, Expiration of Office, and new Appointment, or otherwise, and in case of the Visitors being sued Process may be served upon the Governor of the *Worcester* Prison.

32. The

Salaries of Officers.

32. The Approval of the Council of the City shall not be necessary in the Case provided for in Section Fourteen of the Prison Act, 1865.

Superannuation of Officers.

33. Where any Officer employed in the County Prison or in the City Prison at the Union is continued as an Officer of the *Worcester* Prison after the Union, the Time of his Service in the County Prison or in the City Prison before the Union shall be reckoned towards the Twenty Years mentioned in Section Fifteen of the Prison Act, 1865.

Saving for Powers of County and City Officers.

34. Notwithstanding anything in or done under this Act, the Sheriff, every Justice of the Peace, the Clerk of the Peace, and the Coroner of the County and of the City respectively, and all other Officers of the County and of the City respectively, shall, for the Purposes of the County and of the City respectively, and of the Prisoners thereof respectively from Time to Time confined in the *Worcester* Prison, continue to have and perform respectively all such Rights, Powers, Authorities, and Duties in relation to the *Worcester* Prison as they respectively would have and might perform in relation thereto if it were the Prison of the County or of the City exclusively.

Ordinary Expenses in proportion to Number of Prisoners.

35. The Salaries of the Officers of the *Worcester* Prison, and all Superannuation Allowances granted to Officers of the Prison under this Act, and the Wages of all subordinate Officers employed in the Prison, and the Cost of Maintenance and Clothing of Prisoners and of Clothing of Officers, and of necessary Repairs and the Remuneration of the Auditor under this Act, and all ordinary Expenses incurred by the Visitors in the Execution of this Act, shall be defrayed from Time to Time by the Justices of the County and the Corporation jointly according to the Number of Prisoners of the County and City respectively from Day to Day confined in the Prison during the Period over which the Account of such Expenses extends.

Quarterly Estimate.

36. At the Beginning of each Quarter of a Year (reckoned as the Rules of the Visitors from Time to Time prescribe) the Visitors shall make an Estimate of the ordinary Expenses of the Prison for the then next succeeding Quarter, and of the proportionate Amounts to be contributed by the Justices of the County and the Corporation respectively.

Payment by City to County Treasurer in advance.

37. The Visitors shall within Seven Days after making the Estimate in each Quarter cause a Copy thereof (certified under the Hand of the Chairman of the Meeting at which such Estimate was approved) to be delivered to the Treasurers of the County and City respectively, who within Twenty-one Days after the Delivery thereof shall,

shall, without any other Direction than the Provisions of this Act, pay to the Treasurer of the Visitors the estimated Amount appearing to be payable by the County and Corporation respectively for the next succeeding Quarter.

Quarterly Audit of Prison Accounts.

38. The Accounts of the *Worcester* Prison shall be audited at the End of each Quarter by an Auditor, being a professional Accountant, from Time to Time appointed by the Visitors for a Period not exceeding One Year, and the Amount of the Remuneration of the Auditor shall be fixed by the Visitors.

Report on Audit.

39. The Auditor shall make a Report of the Result of each Audit to the Visitors, who shall cause the same to be laid before the Justices of the County and the Corporation.

Expenses of future Buildings, &c.

40. If at any Time after the Union any new Buildings (other than any additional Cells from Time to Time required to make up the full Number of Forty-eight Cells as in this Act mentioned), Tread-wheels, or extraordinary Appliances become requisite for the Purposes of the *Worcester* Prison, the Expenses thereof shall be apportioned between the Justices of the County and the Corporation according to the Number of Prisoners of the County and City respectively for the Time being confined in the County Prison and in the City Prison or in the *Worcester* Prison (as the Case may be) on an Average of Five Years next preceding the Time when such Expenses are incurred, unless the same become requisite for the Purposes of the County or of the City exclusively, in which Case the whole of the Expenses thereof shall be borne by the Justices of the County or the Corporation (as the Case may be).

Mode of Payment by County and City.

41. Any Payment to be made by the County or the Corporation under the last foregoing Provision shall be made by the Treasurer of the County or of the City (as the Case may be) to the Treasurer of the Visitors within One Month after the Delivery by the Visitors of a Copy of the Minute declaring the Amount payable in that Behalf.

Vesting &c. of Stock in Trade.

42. The Stock in Trade of the County Prison existing at the Union, and all the Stock in Trade for the Time being and other the Goods and Effects of the *Worcester* Prison, shall by virtue of this Act vest in the Visitors, and within One Month after the Union the Visitors shall cause the Stock in Trade of the County Prison existing at the Union to be valued, and shall cause a Copy of the Valuation (certified under the Hand of their Chairman) to be delivered to the Treasurer of the City, who shall within Three Months after the Delivery thereof pay to the Treasurer of the Visitors One equal Fifth Part of the Amount of the Valuation.

Division of Profits of Labour.

43. All Profits from Time to Time accruing from the Labour of the Prisoners in the *Worcester* Prison shall belong to the Justices of the County and the Corporation in proportion to the Number of the Prisoners of the County and City respectively from Day to Day confined in the Prison, and so much thereof as belongs to the Justices of the County shall be paid and applied as if the Prison were a Prison for the County exclusively, and so much thereof as belongs to the Corporation shall be paid to the Treasurer of the City, and shall form Part of the City Fund.

Payment of Expenses for County.

44. All Expenses incurred under this Act by or on behalf of the Justices of the County shall be deemed Expenses incurred by them as a Prison Authority in carrying into effect the Provisions of the Prison Act, 1865.

Payment of Expenses for City.

45. All Expenses incurred by the Corporation in the Execution of this Act shall be deemed to be Expenses necessarily incurred by them in carrying into effect the Municipal Corporation Acts.

Treasurer's Receipt to be Discharge.

46. All Money payable under this Act by the County or by the Corporation, or by the Treasurer of the County or of the City, shall be paid to the Treasurer of the Visitors on behalf of the Visitors, and his Receipt under his Hand shall be an absolute Discharge to the Treasurer of the County or of the City (as the Case may be) from all Money therein expressed to be received, and from all Responsibility in respect of the Application thereof.

Contract by Justice of County or City or Member of Corporation.

47. It shall not be lawful, either directly or indirectly, for any Justice of the County or City or Member of the Corporation to enter into any Contract with or perform any Work for the Visitors for any Purpose of this Act.

Power to borrow on Security of City Fund.

48. The Corporation may from Time to Time borrow Money at Interest for Purposes of this Act, and may mortgage the City Fund as a Security for the Repayment thereof.

Application of Money borrowed.

49. Money from Time to Time borrowed by the Corporation under this Act shall be applied for Purposes of this Act exclusively, and the Surplus (if any) from Time to Time shall be carried to the City Fund, and be treated as Capital.

Payment by Instalments or Sinking Fund.

50. The Corporation shall either pay off the Money borrowed under this Act by annual or other Instalments within the Period of Thirty Years from the passing of this Act, or else appropriate as a Sinking Fund in manner prescribed by Section Eighty-four of the Commissioners Clauses Act, 1847, such a Sum as will with the Accumulations

Accumulations thereof be adequate to pay off the Money so borrowed within the same Period.

Power of re-borrowing.

51. Where the Corporation pay off by means of Instalments or a Sinking Fund any Money borrowed under this Act their borrowing Powers shall to the Extent of the Money so paid off be extinguished, but where they pay off otherwise than by means of Instalments or a Sinking Fund any Money borrowed under this Act they may reborrow the same Amount, and so *toties quoties*.

Priority of existing Mortgages.

52. Mortgages and Securities affecting the City Fund granted by the Corporation before the passing of this Act shall while subsisting have Priority over Mortgages granted by the Corporation under this Act.

Continuance of Liability for existing Pensions.

53. Notwithstanding anything in this Act, the Justices of the County and the Corporation shall respectively continue exclusively liable as if this Act had not been passed for all Superannuation, retiring Allowances, and Pensions granted by them respectively before the Union to Officers of the County Prison and City Prison respectively.

Superannuation Allowances to existing Governor, &c.

54. Notwithstanding anything in this Act, any Grant of an Annuity by way of Superannuation Allowance or of a Gratuity on Retirement from Office to the Gaoler, Chaplain, and Deputy Gaoler respectively of the County Prison in Office at the Union shall be made, and the Amount thereof shall be fixed, and the same shall be provided for and paid by the Justices of the County exclusively as if this Act had not been passed.

Mortgage Debt on County Prison.

55. Nothing in this Act shall affect the Liability of the Justices of the County exclusively to pay or provide for the Payment of any Debt or Sum that is at the Union charged by way of Mortgage or otherwise on or payable in respect of the County Prison, and they shall pay or provide for the Payment of the same by the Instalments and in the Manner by and in which they would have been bound to do so if this Act had not been passed.

Compensation to Officers of City Prison.

56. The Corporation may, if they think fit, grant to any Officer (including the Matron and any other Female Officer) who is employed in the City Prison at the Union, and who is deprived of Office by or in consequence of the Union, such Compensation as to the Corporation seems just, either by Gratuity or otherwise, not exceeding in any Case the Amount of Three Years Salary.

Gratuity to Widows of Officers.

57. The Visitors may pay a Gratuity not exceeding Twenty Pounds to the Widow of any Officer dying in the Service of the Visitors.

58. On

Disposal of existing Prison and Site.

58. On the City Prison ceasing under this Act to be a Prison the Corporation may either hold the same with its Appurtenances, or any Part thereof, for all their Estate and Interest therein, and apply the same for such Uses for the public Benefit of the Inhabitants of the City as they from Time to Time think fit, or may take down and remove the Prison Buildings or any Part thereof, and dispose of the Materials produced thereby, or may dispose of the Prison Buildings and their Site, or of the Buildings alone, together or in Parcels, at One Time or from Time to Time, by Public Auction or by Private Contract, as they think fit, either by way of absolute Sale or by way of Lease or otherwise for the whole or any Part of the Estate or Interest of the Corporation therein, and may execute such Conveyances, Leases, and other Instruments as may be requisite in that Behalf, and the Proceeds of any such Sale, and the Rents, Issues, and Profits of the Buildings, and of their Site, and of any Part thereof, while unsold, shall form Part of the City Fund, and as far as regards the Proceeds of any such Sale be treated as Capital, and on the City Prison ceasing under this Act to be a Prison the Corporation may dispose by Sale or otherwise of the Fittings and Furniture thereof, and of the Effects used or kept for the Purposes thereof, and the Proceeds of any such Disposition shall form Part of the City Fund, and be treated as Capital.

Discontinuance of Gaol Sessions.

59. The Secretary of State may at any Time, if he thinks fit, on the Representation of the Corporation direct the Discontinuance of the Quarterly Session required by Law to be held by the Justices for the City at the usual Times of holding Quarterly Sessions of the Peace for the Purpose of exercising Powers of Regulation and doing other Things in relation to the Gaol or House of Correction for the City, and the same shall thereupon be discontinued accordingly.

Interim Contract for Maintenance, &c. of City Prisoners.

60. Until the Union Sections Thirty-one and Thirty-two of the Prison Act, 1865, shall apply to the Justices of the County and the Corporation, and shall extend to Debtors, but Debtors confined in the County Prison under any such Contract as therein mentioned shall be deemed to be in the legal Custody of the Sheriff of the City and County of the City of *Worcester*, and such Sheriff shall have full and free Access to them, and all such Powers and Authorities in respect of them, as if they were confined in the City Prison.

Power to agree for Union on modified Terms.

61. If the Corporation and the Justices of the County agree on any Plan of new Prison Buildings which shall provide less than Forty-eight new Cells, or to dispense with the Erection of new Prison Buildings, and the Cost of the Lands taken under this Act, and of the new Prison Buildings (if any), does not amount to the Sum of Ten thousand Pounds, the Difference between such Cost and the Sum

of

of Ten thousand Pounds shall be paid by the Corporation to the Justices of the County within Six Months after the making of such Agreement, and the Sum so paid shall be applied by the Justices of the County for County Purposes; provided that if at any Time after such Agreement any new Cells become requisite for the Purposes of the *Worcester* Prison as the City Prison, the same shall be provided by the Justices of the County at the Expense of the County to any Number not exceeding, together with those (if any) provided by the Corporation under such Agreement, in the whole Forty-eight Cells.

Union according to modified Agreement.

62. Notwithstanding anything in this Act, the Justices of the County and the Corporation may at any Time after the passing of this Act agree (subject to the Approval of the Secretary of State) that the County Prison and the City Prison shall be united into One Prison at such Time and on such Terms and Conditions as in any such Agreement as last aforesaid stipulated, and thereupon those Prisons shall be by virtue of such Agreement and of this Act united into One Prison, and such Union shall be deemed to be to all Intents the Union within the Meaning of this Act.

Differences to be settled by Arbitration.

63. If before the Union any Difference arises respecting the Execution of this Act between the Justices of the County and the Corporation, or if after the Union any Difference arises respecting the Execution of this Act between the Visitors appointed for the County on the one hand and those appointed for the City on the other, with respect to any new Buildings, Tread-wheels, or extraordinary Appliances required for the *Worcester* Prison, then every such Difference shall be settled by Arbitration under Section Fifty-one of the Prison Act, 1865.

Calculation in case of Reference as to new Buildings, Appliances, &c.

64. In determining any Difference arising after the Union the Arbitrator shall take into consideration the Number of Prisoners provided for by the County and the City respectively at the Date of the Union, which shall be deemed to be Two hundred and seventy by the County and Sixty by the City, and shall in the first instance make that Number the Basis of any Calculation, and if such Difference arises after any new Building, Tread-wheel, or extraordinary Appliance has been provided by the County or by the City, or by both, for their respective Prisoners, the Arbitrator shall take into consideration such additional Provision with the former Provision.

Form of Approval, &c.

65. Any Approval, Direction, Determination, or Appointment given or made by the Secretary of State under this Act shall be in Writing under the Hand of the Secretary of State, or of an Under Secretary of State.

Protection of Visitors.

66. Sections Forty-nine and Fifty of the Prison Act, 1865, shall apply for the Protection of the Visitors and the Officers of the *Worcester* Prison, and other Persons, and for the Purposes of those Sections anything done by any Person in pursuance of this Act shall be deemed to be done by him in pursuance of the Prison Act, 1865.

Expenses of Act.

67. The Costs, Charges, and Expenses preliminary to and of and incident to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation.

LONDON:

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