

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. LXXXII.

An Act to relieve Boroughs, in certain Cases, from Contribution to certain Descriptions of County Expenditure. [1st *August* 1849.]

WHEREAS by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, it was enacted, that within Ten Days after the Grant of a separate Court of Quarter Sessions of the Peace to any Borough, the Council of such Borough should send a Copy of such Grant, sealed with the Seal of the Borough, to the Clerk of the Peace of the County in which such Borough or any Part thereof was situated; and after the Grant of such Court to any Borough it should not be lawful for the Justices of the Peace of any County wherein such Borough or Part of such Borough was situate to assess any Messuages, Lands, Tenements, or Hereditaments within such Borough to any County Rate thereafter to be made, but every Part of every such Borough should thenceforward be wholly freed and discharged from contributing, otherwise than was therein-after provided, to any Rate or Assessment of any kind of and for the County in which any Part of such Borough was situated; and it was thereby further enacted, that the Treasurer of every County in *England* and *Wales* should keep an Account of all Sums of Money received in aid or on account of the County Rate, and of the Sum of Money expended out of the County Rate for other Purposes than the Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport, of Offenders committed for Trial in such County, and, in case of Boroughs having a separate Court of Quarter Sessions of the Peace, other than out of Coroners Inquests, and should not more than twice a Year send a Copy of such Account to the Council of every Borough

5 & 6 W. 4. c. 76.

situate within such County in which a separate Court of Quarter Sessions of the Peace should be holden, and which before the passing of the Act intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in* England *and* Wales, *so far as respects the Election of Members to serve in Parliament*, was chargeable with or liable to contribute in whole or in part to the County Rate of such County, and should make an Order on the Council of every such Borough for the Payment of such Proportion of such Sum as would have been chargeable, after deducting all Sums of Money received in aid of the County Rate as aforesaid, if the said Act had not passed, upon such Borough as the same should be bounded according to the Provisions of the said Act; and the Council of such Borough should forthwith order the same, with all reasonable Charges of making and sending the said Account, to be paid to the Treasurer of such County out of the Borough Fund: And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, and intituled *An Act to amend the Laws concerning Prisons*, it is required that in every Borough in which there is or shall be a Body Corporate of Mayor, Aldermen, and Burgesses under the Provisions of the said firstly herein-before recited Act, and to which a separate Court of Sessions of the Peace hath been or shall be granted, there shall be One Gaol and at least One House of Correction, (except only where such Contracts as in the said Act mentioned have or shall have been entered into by the said Mayor, Aldermen, and Burgesses, and shall be subsisting, for the Maintenance of Prisoners committed from such Borough,) and every such Gaol and House of Correction is to be provided and maintained by and at the Cost of the same Borough: And whereas it is just and expedient that every such Borough having, or providing and maintaining, at its separate Cost, such Gaol and House of Correction, should be exempted from paying or contributing to the Costs also of providing or erecting and maintaining any new Gaol for the County in which the same is situate, except only as is herein-after excepted: And whereas it is also just and expedient that every such Borough having, or providing and maintaining, either alone or jointly with other Parties, any sufficient Asylum or Asylums for the Reception and Maintenance of its Pauper Lunatics according to the Provisions of an Act passed in the Session of Parliament held in the Eighth and Ninth Years of Her present Majesty, intituled *An Act to amend the Laws for the Provision and Regulation of Pauper Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in* England, should be exempted from paying or contributing to the Costs also of providing, erecting, or maintaining any Pauper Lunatic Asylum for the County in which the same Borough is situate, and of maintaining the Pauper Lunatics chargeable thereto: 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 from and after the passing of this Act no Borough to which a separate Court of Quarter Sessions

2 & 3 W. 4. c. 64.

5 & 6 Vict. c. 98.

8 & 9 Vict. c. 126.

Boroughs having or

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of the Peace hath or shall have been granted under the Provisions of the said firstly-recited Act, and which shall possess or provide, or shall have commenced and shall be *bonâ fide* proceeding with the Construction of a sufficient Gaol and House of Correction to the Satisfaction of One of Her Majesty's Principal Secretaries of State for the Custody and Correction of Persons committing Offences within such Borough, shall, under the Provisions of the said first-recited Act or otherwise, be charged with or liable to pay or contribute any Costs, Charges, or Expenses to be incurred by any County in which such Borough shall be wholly or partly situate, in purchasing or providing a Site for or erecting or completing or maintaining any new Gaol or House of Correction for such County, except only that in calculating the Monies which any Borough shall be liable to pay or contribute under the Provisions of the said firstly-recited Act on account of any Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport, of any Offenders committed for Trial to the Assizes in such County from the same Borough, or, under the Provisions of the said Act for the Amendment of the Laws concerning Prisons, on account of the Expenses incurred in the Conveyance, Transport, Maintenance, safe Custody, and Care of any Persons committed for Offences arising within such Borough, and sent to any Prison of the County in which such Borough is situate, it shall be lawful for the Parties or Party making such Calculation to include therein such Proportion of any Monies which shall be paid by the County out of the County Rate, or out of any Monies received in aid of the County Rate (Monies borrowed by the County not being considered as Monies received in aid of the County Rate), on account of the Purchase or the providing of a Site for, or Erection, Completion, or Maintenance of such Gaol or House of Correction, or on account of the Principal or Interest of any Monies which shall have been borrowed by the County for such Purposes, or any of them, as the Number of Borough Prisoners which shall have been in Custody in any Gaol or House of Correction belonging to the said County during the Period for which such Calculation shall be made shall bear to the whole Number of Prisoners during the same Time confined in all the Gaols and Houses of Correction belonging to the said County; provided that nothing in this Act contained shall extend to exempt any such Borough from contributing its Proportion of any Expense heretofore incurred, for any of the Purposes aforesaid, by any County in which such Borough shall be situate as aforesaid, but every such Borough shall remain liable to and pay such Proportion thereof as it would have been chargeable with in case this Act had not passed; provided also, that no such Borough shall be entitled to or be allowed Credit for any Share or Proportion of any Monies to arise or be produced from the Sale of any old or unnecessary Gaol or House of Correction belonging to such County, or of the Site thereof, anything in the said firstly-recited Act or any other Act contained notwithstanding.

providing a Gaol and House of Correction not to be liable to contribute to a County Gaol and House of Correction, except in a certain Manner.

II. And be it enacted, That from and after the passing of this Act no such Borough as aforesaid which shall possess or provide, or shall have

Boroughs having or providing a Lunatic

Asylum not to be liable to contribute to County Asylum.

have commenced and shall be *bonâ fide* proceeding with the Construction of a sufficient Asylum to the Satisfaction of One of Her Majesty's Principal Secretaries of State for the Reception or Care of the Pauper Lunatics in such Borough, in pursuance of the said Act for amending the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in *England*, shall be liable to pay or contribute to the Payment of any Costs, Charges, or Expenses incident to the future or subsequent Purchase, Erection, fitting up, or Maintenance of any new Lunatic Asylum by the County in which such Borough is situate, or to the Payment of any Costs, Charges, or Expenses which may be incurred after such Asylum shall be actually opened for the Reception or Care of the Pauper Lunatics in such Borough, for maintaining any Pauper Lunatics chargeable to such County.

Providing for Cases where Settlement of Pauper Lunatics is unknown.

III. Provided always, and be it enacted, That when any Pauper Lunatic shall, in pursuance of the Provisions of the said in part recited Act of the Eighth and Ninth Years of the Reign of Her present Majesty, be confined within a Lunatic Asylum belonging to any Borough, or within any House duly licensed, or any Hospital registered for the Reception of Lunatics within such Borough, or shall be found wandering within the Limits of such Borough, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, it shall not be lawful for any Justice to adjudge such Pauper Lunatic to be chargeable to the County in which such Borough is situated, nor to make any Order upon the Treasurer of such County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of the said Lunatic; and all the Clauses and Provisions in the said last in part recited Act as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Order to be made for the Maintenance of such Pauper Lunatic, shall extend and be applied to such Borough, as fully and effectually to all Intents and Purposes as if all the said Clauses and Provisions were repeated and re-enacted in this Act and made applicable to such Borough, in the same Manner in all respects as though for the Purposes of this Provision such Borough were a separate and distinct County.

Interpretation of Act.

IV. And be it enacted, That throughout this Act, where there shall be nothing in the Subject or Context repugnant to such Construction, Words importing the Singular Number shall include the Plural Number, and *vice versâ;* and the Word "Prison" shall include Gaol and House of Correction.

As to Extension of Act.

V. And be it enacted, That this Act shall extend only to *England* and *Wales*.

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