General Board may appoint Days for First Elections of Local Boards, &c.

V. And be it enacted, That the General Board of Health may, whenever it shall see fit, by Order under their Hands and official Seal, direct and appoint any Day or Days for the First Election or Selection of any Local Board of Health other than the Day or Days fixed for such First Election by any Order in Council or by this or any other Act for confirming any Provisional Order or Orders by the said General Board; and that the said General Board shall cause Notice of the Day so directed and appointed by them for such First Election or Selection to be affixed on the Doors of the principal Churches, Chapels, public Buildings, and Places where public Notices are usually affixed within the District for which such Election or Selection is to be made, at least Twenty-one Days before the Day so fixed and appointed for such Election or Selection, as the Case may be.

Act incorporated with Public Health Act.

VI. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title of this Act.

VII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1850 (No. 2.)"

Act may be amended, &c.

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 And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which this Bill refers.

PROVISIONAL ORDERS of the GENERAL BOARD of HEALTH, submitted for the Confirmation of Parliament.

Wigan.	Ashby de la Zouch.
Preston.	Sandgate.
Wolverhampton.	Swansea.

CAP. XCI.

An Act to authorize Justices of any Borough having a separate Gaol to commit Assize Prisoners to such Gaol, and to extend the Jurisdiction of Borough Justices to all Offences and Matters arising within the Borough for which they act. [14th *August* 1850.]

'WHEREAS great Inconvenience and Expense have been found to result to Cities and 'Boroughs having or providing and maintaining at their own Cost Gaols or Houses of 'Correction, from the Necessity of committing to the Common Gaol of the County in which 'such City or Borough may be situated for Trial at the Assizes holden for such County 'Persons charged with Offences committed within the Limits of such City or Borough, and 'it is expedient that the Law should be altered and amended: And whereas it is also 'expedient that Justices of the Peace acting for any City or Borough should have the same 'Powers and Authorities in all respects with regard to Offences committed and Matters 'arising within the Limits of such City or Borough as Justices of the Peace for the County 'within which such City or Borough is situated now have with regard to such Offences or 'Matters under or by virtue of any local or general Act of Parliament:' 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

Prisoners may be committed to

by the Authority of the same, That from and after the passing of this Act it shall be lawful for

for any Justice of the Peace acting for any City or Borough now having or providing and maintaining at its own Cost, or which shall hereafter have or provide and maintain at its own Cost, a Gaol or House of Correction, to commit for safe Custody to such Gaol or House of Correction, for Trial at the Assizes to be holden for the County in which such City or Borough may be situated, any Person charged before him with any Offence, except Murder, committed within the Limits of such City or Borough triable at such Assizes, and the Commitment shall specify that such Person is committed under the Authority of this Act, and whenever any such Person shall be committed to any such Gaol or House of Correction for Trial at such Assizes the Keeper of such Gaol or House of Correction shall deliver to the Judges of Assize a Calendar of all Prisoners in his Custody for Trial at such Assizes, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of the County in which such City or Borough may be situated; and the Justice or Justices by whom any Person charged as aforesaid shall be committed shall deliver or cause to be delivered to the proper Officer of the Court the several Recognizances, Informations, Depositions, and Statements relative to such Person at the Time and in the Manner that would be required in case such Person had been committed to such County Gaol.

Borough Gaols for Trial at the Assizes.

II. Provided always, and be it enacted, That nothing herein contained shall be construed to give any Justice of the Peace acting for any City or Borough Power to commit Persons charged with Murder to the Gaol or House of Correction of any City or Borough for Trial at the Assizes to be holden for the County in which such City or Borough may be situated, but such Justices shall and they are hereby authorized and required to commit all such Persons to the Common Gaol of such County for Trial in such and the same Manner as if this Act had not passed: Provided also, that the Expenses properly incurred by such County in the Maintenance, safe Custody, and Care of such last-mentioned Prisoners so committed whilst in Custody in such County Gaol shall be borne and paid by such City or Borough in the Manner herein-after provided with respect to Prisoners removed to the County Gaol for Trial at the Assizes.

Nothing to authorize Justices to commit Persons charged with Murder to any other than the County Gaol.

As to Expenses incurred in Maintenance of last-mentioned Prisoners.

III. And be it enacted, That all Persons who may under the Authority of this Act be committed to the Gaol or House of Correction of any City or Borough for Trial at the Assizes to be holden for the County in which such City or Borough may be situated shall in due Time be removed by the Gaoler or Keeper of such Gaol or House of Correction, with their Commitments and Detainers, to the Common Gaol of the County, in order that they may be tried at the Assizes to be holden for such County, and such Removal shall not be deemed or taken to be an Escape.

Prisoners committed to Borough Gaols to be removed to County Gaol previous to Trial.

IV. And be it enacted, That every Prisoner so removed shall for and during the Time of such Removal, and also for and during such Time as he shall be detained in the County Gaol, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, notwithstanding he may in effecting such Removal have been taken out of the Jurisdiction of the City or Borough to the Gaol or House of Correction of which he may have been originally committed into any other Jurisdiction, or out of the County in which such Gaol or House of Correction may be situated into or through any other County or Division of a County; and no Action or other Proceeding shall or may be maintained by such Prisoner or by any other Person against the Gaoler or Keeper of the Gaol or House of Correction of any City or Borough, or against the Gaoler or Keeper of the Common Gaol of the County, by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of such City or Borough into any other Jurisdiction, or out of the County in which such City or Borough may be situated into or through any other County or Division of a County.

Prisoners whilst under Removal to be deemed to be in proper legal Custody.

V. And be it enacted, That the Expenses which shall be incurred by such County in the Maintenance, safe Custody, and Care of every Prisoner so removed whilst in Custody in such County Gaol, shall be calculated upon the same Principle and in the same Manner as provided by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws concerning Prisons*, with respect to Borough Prisoners committed to a County Prison where no special Contract is subsisting between such Borough and

Expenses of Prisoners removed to County Gaols to be calculated as provided by 5 & 6 Vict. c. 98.

County relative to such Prisoners; and such Expenses, and all other Expenses which may be incurred by such County in respect of every such Prisoner, shall be paid by the Council of such City or Borough to the Treasurer of such Gaol or County; and the Amount of all such Expenses shall, in case of Dispute, be settled by a Barrister at Law in the Manner provided by the said Act.

Account of Expenses to be made out and signed by Clerk to Justices, and sent to Town Clerk of Borough.

VI. And be it enacted, That an Account in Writing of the Expenses due and payable, or claimed to be due and payable, in respect of the Maintenance, safe Custody, and Care of such Prisoners as aforesaid, shall be made out from Time to Time, and signed by the Clerk to the Visiting Justices of the County Gaol to which such Prisoners shall have been committed, and delivered to the Town Clerk of the City or Borough within which the Offences shall have been committed; and such Account shall be conclusive against such City or Borough, unless some Objection shall be made in Writing, and signed by the Town Clerk of such City or Borough, and delivered to the Clerk of the said Visiting Justices, within One Calendar Month next after such Account shall have been delivered to such Town Clerk.

In Cases of Conviction for Offences committed within Limits of any City, &c., Court may commit Offender to Borough Gaol.

In case of Commitment of Persons.

VII. And be it enacted, That whenever any Person shall be convicted at any Assizes of any Offence committed within the Limits of any City or Borough having or providing and maintaining at its own Cost a Gaol or House of Correction, for which Offence such Person shall be liable either to the Punishment of Transportation or Imprisonment, it shall be lawful for the Court, if it shall so think fit, to commit such Person to such Gaol or House of Correction, in execution of his Judgment; and in case of the Commitment of any Person either sentenced to Transportation or pardoned for any Capital Offence on Condition of Transportation, all the Powers, Provisions, and Authorities for the Removal of Offenders sentenced to Transportation given or granted by any former Act or Acts of Parliament to Sheriffs or Gaolers shall be and the same are hereby extended and given to the Gaoler or Keeper of the Gaol or House of Correction in whose Custody such Offender shall be.

Provisions as to Removal before Trial to apply to Removal after Conviction.

VIII. And be it enacted, That all the Provisions herein-before contained with reference to the Removal of Prisoners from any City or Borough Gaol to the County Gaol for Trial at the Assizes shall be applicable and shall be applied to the Removal from the County Gaol to any City or Borough Gaol of any Prisoner who, having been convicted at the Assizes, shall be committed by the Court to such Gaol or House of Correction, in execution of his Judgment.

Borough Justices to have the same Jurisdiction as County Justices under any local Act as to Offences committed within the Borough.

IX. And be it enacted, That after the passing of this Act the Justices of every City or Borough shall have the same Jurisdiction with respect to all Offences committed and Matters arising within such City or Borough as the Justices of the County in which such City or Borough is situate now have under or by virtue of any local or general Act of Parliament; and such Offences and Matters shall be cognizable by One or more of the Justices of such City or Borough in the same Manner as such Offences and Matters are now cognizable by One or more of the Justices of such County: Provided always, that in every Case in which Imprisonment may be awarded for or in respect of any such Offences or Matters aforesaid, or to enforce Payment of any Penalty, Rate, Sum of Money, or Costs imposed or made payable by or by virtue of any such general or local Act or otherwise, such Imprisonment may be awarded to take place in any Gaol or House of Correction to which the Justices of the said City or Borough now have or hereafter may have Power to commit Offenders.

Interpretation of Terms.

X. 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 only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number, and Words importing the Masculine Gender only shall include Females.

Extent of Act.

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

Act may be amended, &c.

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