

ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

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CAP. L.

An Act to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons. [29th *July* 1844.]

WHEREAS an Act was passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to encourage the Establishment of District Courts and Prisons*, and it is expedient that the said Act be amended, for the Purpose of removing Doubts as to the Manner of putting the said Act in force with respect to those Boroughs to which a separate Court of Sessions of the Peace has not been granted at the Time of making the Agreements contemplated by the said Act: Be it declared and 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 Council of any Borough to which Her Majesty shall not have then granted a separate Court of Sessions of the Peace to be Party to any Agreement for the Purposes of the said Act; and it shall be also lawful to insert in any such Agreement, if the Parties thereunto shall think fit, a Condition, that such Agreement shall not take effect unless Her Majesty shall be pleased to grant a separate Court of Sessions of the Peace

5 & 6 Vict. c. 53.

Agreements contemplated by the recited Act may be contingent on Grant of Sessions of the Peace.

Peace to any such Borough; and in case such Condition shall be therein inserted no Agreement shall be valid, notwithstanding that the same shall have been approved by the several Parties thereto, and confirmed by Her Majesty, as directed by the said Act, until Her Majesty shall have been pleased to grant such separate Court of Sessions of the Peace to the Borough or Boroughs respecting which the said Condition shall have been inserted in the Agreement.

Repeal of 5 & 6 Vict. c. 53. § 41. as to Divisions of united Districts.

II. And be it enacted, That so much of the said Act as provides that in every Case in which more than One Borough having a Court of Sessions of the Peace shall be a Party to the Agreement aforesaid the District united under such Agreement shall be divided into as many Divisions as there shall be Boroughs included in such Agreement, and to each of such Boroughs shall be apportioned such a Division of the said District as shall be more immediately adjacent thereunto, and shall be set forth in the Agreement, regard being had to the Amount of Population in the whole District, and the other Circumstances of the Case, and all Prisoners committed to the said Prison for any Offence committed within any Division aforesaid shall be sent for Trial to the Sessions of the Peace holden for that Borough to which such Division shall have been apportioned, and the Provisions herein-before contained with respect to Jurors, and the Return of Convictions, Depositions, Recognizances, and other Documents, for the united District, shall apply in each Case to the Division apportioned to each Borough, shall be repealed.

Provisions as to Divisions of any united District, whether Grant made before or after Confirmation of Agreement.

III. And be it enacted, That in every Case in which more than One Borough having a Court of Sessions of the Peace shall be a Party to any such Agreement, whether or not the Grant of such Court shall have been made before or after the Confirmation of the Agreement, the united District shall be divided into as many Divisions as there are Boroughs to which such Grants shall have been made, in such Manner as shall be absolutely or provisionally set forth in the Agreement, or as shall be provided by any supplemental Agreement to be made and enforced in like Manner as the original Agreement, so, nevertheless, that One such Borough shall be included in and form the Whole or Part of every such Division; and the united District, and also each of such Divisions, shall be designated by such Names as shall be set forth in such Agreement or supplemental Agreement; and a Court of Sessions of the Peace for each Division of the united District shall be holden in the Borough which forms the Whole or Part of such Division, before the Recorder thereof, who shall be the Recorder of that Division and sole Judge of the Court which shall have the like Jurisdiction throughout the Division which the Court of Sessions of the Peace for any of the said Boroughs has within such Borough; and the Provisions in the said Act contained with respect to the Clerk of the Peace, and to Jurors, and the Return of Convictions, Depositions, Recognizances, and other Documents, for the united District, shall apply in each Case separately to each Division, and to the Borough which is included in and forms the Whole or Part of such Division.

IV. And

Secretary of State to appoint Surveyor General of Prisons.

IV. And whereas by an Act passed in the Third Year of the Reign of Her Majesty, intituled *An Act for the better ordering of Prisons*, it is provided, that it shall not be lawful to enlarge, build, or rebuild any Prison until One of Her Majesty's Principal Secretaries of State shall have approved the Plan of such Prison or intended Prison; be it enacted, That it shall be lawful for the Secretary of State to appoint a proper Person to be Surveyor General of Prisons for the Purpose of advising the Justices and others having the Superintendence of the Construction of Prisons, and for reporting to the Secretary of State on the several Plans which shall be sent to him for his Approval as aforesaid, and for the Performance of such other Duties connected with the Construction of Prisons as shall be from Time to Time intrusted to him by the Secretary of State.

Act may be amended this Session.

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

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