



CHAPTER clvii.

An Act to make better provision for the administration of justice at Sessions of the Peace and for the transaction of county business in the County of Suffolk. A.D. 1904.
[15th August 1904.]

WHEREAS although there is and for a long time has been only one commission of the peace for the whole county of Suffolk the said county was treated as divided for the purposes of the administration of justice at quarter or general sessions of the peace and of the transaction of the administrative business of the county into the eastern division thereof and the western division thereof :

And whereas by or in pursuance of the Local Government Act 1888 the said eastern and western divisions were constituted separate administrative counties each having a county council but certain administrative business and matters concerning the two divisions jointly were reserved to be transacted by a joint committee of the respective county councils : 51 & 52 Vict.
c. 41.

And whereas such joint committee was duly formed accordingly and by the Suffolk Joint Committee (Borrowing Powers) Act 1893 was made a body corporate with perpetual succession and a common seal by the name of the Suffolk Joint Committee and was invested with powers of borrowing as therein mentioned : 56 Vict.
c. xxxiii.

And whereas doubts and difficulties have from time to time arisen in regard to sundry matters touching the interpretation with reference to the county of Suffolk of the Local Government Act 1888 and other Acts and touching the judicial and administrative business of the county and it is expedient to remove such doubts and difficulties and to make such provisions as this Act contains :

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Be it therefore enacted by the King'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 authority of the same as follows:—

Short title.

1. This Act may be cited as the County of Suffolk Act 1904.

Commence-
ment of Act.

2. This Act shall save as is otherwise provided in the schedule hereto commence on the first day of April one thousand nine hundred and five.

Definitions.

3. Hereafter in this Act unless the context otherwise requires—

The term "the county" means the entire county of Suffolk within the definition contained in section one hundred of the Local Government Act 1888 ;

The term "judicial business" includes all such business as is assigned to or transacted by justices of the peace in quarter or general sessions assembled ;

The term "administrative business" includes all such business as is assigned to or transacted by county councils ;

The term "eastern division" means the administrative county of East Suffolk for the time being ;

The term "western division" means the administrative county of West Suffolk for the time being ;

The term "the Local Government Act 1888" includes any Act amending the same.

PART I.

PROVISIONS RELATING TO JUDICIAL BUSINESS.

Commission
of the peace.

4. Any power or duty of a clerk of the peace in relation to the commission of the peace for the county may (subject as in this Act provided) be exercised or performed by the clerk of the peace for either division of the county and any subpoena issued by either clerk of the peace to compel the attendance of witnesses at quarter sessions shall be valid in both divisions of the county.

Quarter
sessions.

5. The justices of the peace for the county shall from time to time hold separate courts of quarter sessions as follows:—

An original court to be holden within the eastern division for that division :

A court which shall be deemed to be holden by adjournment whether actually so continued or not within the western division for that division.

A.D. 1904.

The justices in the eastern division quarter sessions assembled shall transact all judicial business originating in or relating to the eastern division.

The justices in the western division quarter sessions assembled shall transact all judicial business originating in or relating to the western division.

Provided that nothing in this Act contained shall prevent the continuance by adjournment of any court of quarter sessions from one division to the other.

6. The justices of the peace for the county shall issue from time to time their precept to the sheriff of the county to return men of each division of the county to serve as jurors at courts of sessions of the peace to be held in that division and shall cause every such precept to relate in all respects to that division only as if the division was a county of itself and all sheriffs constables coroners officers and persons shall act under every such precept accordingly.

Jury pre-
cepts.

7. The Acts relating to jurors and juries for the time being in force shall apply to the eastern and western divisions of Suffolk and a separate jurors' book shall continue to be made for each division as if each of the said divisions was a county of itself and a juror whose name is in the jurors' book for the eastern division shall not be summoned to serve as juror in the western division either at courts of sessions of the peace or at courts of assize nor shall a juror whose name is in the jurors' book for the western division be summoned to serve as juror in the eastern division.

Jurors.

The names of Ipswich jurors shall be entered in the jurors' book for the eastern division and they shall be summoned to serve only at courts of assize in the eastern division and not in the western division.

8. Where any notice is by law required to be given relative to any appeal or other matter to be determined by a court of sessions of the peace for a county the first day of sessions shall be deemed to be the day on which the court of sessions begins to be held in that division wherein the appeal or other matter is heard and determined.

Notices of
appeal &c.

PART II.

PROVISIONS RELATING TO ADMINISTRATIVE BUSINESS.

9. Notwithstanding anything contained in the Local Government Act 1888 or in any other Act and notwithstanding any law

Division of
administra-
tive business.

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or usage heretofore in force the eastern division and the western division of the county shall each be and be deemed to have been a county of itself for all purposes of administrative business and the county council of each division shall be and be deemed to have been the county council of their administrative county for all such purposes :

Provided that nothing in this Act contained shall invalidate or cause to be questioned any act or expense of the county council of either division or of the Suffolk Joint Committee done or incurred before the commencement of this Act.

Registration
of voters.
48 & 49 Vict.
c. 15.

10. For the purposes of the Registration Act 1885 the expressions "court of county quarter sessions" "county quarter sessional area" and "clerk of the peace for a county quarter sessional area" shall apply and be deemed to have applied to the divisions of the county as if each division had been a county of itself having a separate commission of the peace a separate court of quarter sessions and a separate clerk of the peace.

Dissolution
of Suffolk
Joint Com-
mittee and
disposal of
property.

11. The Suffolk Joint Committee and all sub-committees thereof shall be dissolved as from the commencement of this Act and from and after the commencement of this Act all property of the Suffolk Joint Committee or held by any clerk of the peace or other person or persons for the Suffolk Joint Committee shall except as herein-after provided pass to and vest in the county council for East Suffolk and the county council for West Suffolk in the proportions under-mentioned that is to say as to sixty-four hundredths in the county council of East Suffolk and as to thirty-six hundredths in the county council of West Suffolk and for and subject to the same estates interests trusts and purposes for and subject to which the property would have been held if this Act had not passed.

Debts of
Suffolk Joint
Committee.

12. Every mortgage or other security granted or executed by or on behalf of the justices of the peace of the county or the Suffolk Joint Committee and being in force immediately before the commencement of this Act shall notwithstanding the repeal of the Suffolk Joint Committee (Borrowing Powers) Act 1893 and the dissolution of that committee continue in full force and shall have effect as if the same had been granted or executed as to sixty-four hundredths of the moneys thereby secured by the East Suffolk County Council on the security of their county fund and revenues and as to the remaining thirty-six hundredths by the West Suffolk County Council on the security of their county

fund and revenues and each county council shall accordingly in the proportions aforesaid stand and be liable in the place of the said joint committee and shall out of their respective county funds and revenues from time to time pay in the like proportions the sums required for interest and sinking fund or repayment of principal in accordance with the terms of the mortgage or other security and of the sanction of the Local Government Board relating thereto All simple contract debts and other liabilities (if any) of the Suffolk Joint Committee shall be paid and discharged in the like proportions by the East Suffolk County Council and the West Suffolk County Council out of their respective county funds and revenues.

A.D. 1904.

13. The county lunatic asylum at Melton shall be deemed to be an existing asylum within the meaning of section two hundred and forty-two of the Lunacy Act 1890 which the councils of the two administrative counties as local authorities under the provisions of Part IX. of the said Act have agreed to unite in jointly using as a district asylum with the approval of a Secretary of State and from and after the commencement of this Act the terms as to payment and otherwise of the respective contracting parties shall be those contained in the schedule hereto Provided that a dissolution of the agreement to unite by this section presumed shall not take place so long as the accommodation for lunatics in the said asylum shall without further enlargement of the same supply the requirements of the two administrative counties unless such dissolution be agreed to by the county council of each administrative county anything contained in section two hundred and sixty-seven of the Lunacy Act 1890 to the contrary notwithstanding.

Lunatic
asylum at
Melton.
53 & 54 Vict.
c. 5.

14. The militia storehouse or Suffolk Artillery Militia Depot at Ipswich shall be vested as from the commencement of this Act in the county council of the administrative county of East Suffolk on trust to manage the premises and to apply and distribute the rents and profits thereof yearly so long as the same shall remain unsold in the manner in which such rents and profits have been heretofore applied and distributed and in the event of the sale of the premises or any part thereof the said county council shall receive and hold the purchase moneys on trust to apply and distribute the same among the contributory authorities in the manner in which the rents and profits would but for such sale have been applied and distributed Provided that nothing in this section contained shall extend to impose upon the county council of East Suffolk

Militia store-
house at
Ipswich.

A.D. 1904. in respect of the said storehouse or depôt or of any buildings or erections which may hereafter be added to it or substituted for it any liability or expense which shall not be shared by the county council of West Suffolk and the council of the county borough of Ipswich in manner heretofore accustomed.

PART III.

MISCELLANEOUS PROVISIONS.

Deposit of plans &c.

15. Plans and other documents required by the standing orders of either House of Parliament or by any general or private Act or otherwise to be deposited with the clerk of the peace for the county may be deposited with the clerk of the peace for either division of the county and generally any acts required or authorised to be done by or to the clerk of the peace for the county may be done by or to the clerk of the peace for either division of the county Provided that any deposit or act relating exclusively to one division of the county shall be made or done with by or to the clerk of the peace for that division and that any deposit or act relating to both divisions of the county shall be made or done in duplicate with by or to the clerk of the peace of each division.

All deposits of plans or other documents made before the commencement of this Act with the clerk of the peace for either division shall be deemed to have been properly and validly made.

Saving for certain offices.

16. Nothing in this Act contained shall authorise the appointment of more than one lieutenant or custos rotulorum or sheriff to serve at one time for the county or shall affect the position or duties of the lieutenant custos rotulorum or sheriff.

The expenses of notifying in the London Gazette the appointments of deputy-lieutenants shall be paid as general expenses by the councils of the two divisions of the county in equal shares.

Provision for certain committees.

17. A standing joint committee of the quarter sessions and of each county council shall continue to be appointed from time to time as hitherto and to act in and for the eastern and western divisions respectively and there shall also be appointed in and for each division a separate committee for the purpose of preparing a basis or standard for fair and equal county rates but the basis or standard in force at the commencement of this Act shall in each division continue in force until revised by the committee of such respective division and until the basis so revised is allowed and confirmed by the county council thereof.

18. The duplicate warrant of appointment of the sheriff and every declaration of office made by any sheriff or under-sheriff of the county shall be transmitted to the clerk of the peace for the eastern division and be filed by him and the fee in respect of filing such declaration shall be paid to the said clerk of the peace.

A.D. 1904.

Sheriff's
warrant of
appointment
and declara-
tion of office
of sheriff.

19. In the case of any justice whose name is added to or removed from the commission of the peace the fees payable in respect of such addition or removal shall be paid to the clerk of the peace of the division in which the justice took the oaths required to be taken by justices of the peace and the fees payable to the Crown office shall be paid as general expenses by the councils of each division in equal shares.

Fees in case
of justices.

20. All enactments relating to counties or to clerks of the peace shall from and after the commencement of this Act with respect to all judicial and administrative business as defined by this Act apply to the eastern and western divisions of Suffolk respectively as if each of such divisions was a county of itself and the Local Government Act 1888 and any Public General Act relating to the constitution election and mode of conducting the business of a county council or to any matter in this Act mentioned or conferring any powers or imposing any duties or liabilities upon a county council shall as regards the county and the administrative counties of East and West Suffolk apply and have effect subject to the provisions of this Act.

Construction
of Acts.

21. If at any time any doubt or difficulty arises in carrying into effect any of the provisions of this Act the county council of either division may if the matter relates to administrative business submit it to the Local Government Board and the justices of the peace in quarter sessions assembled within either division or the Standing Joint Committee of either division as the case may be may if the matter relates to judicial business or to police business submit it to a Secretary of State and the Local Government Board or the Secretary of State as the case may be shall thereupon take the matter into consideration and after such inquiry local or other if any as may seem expedient may make an order dealing with the matter and if necessary modifying or supplementing any of the provisions of this Act and any order so made shall have the like force and effect as if it were enacted by Parliament.

Orders to
facilitate
execution of
Act.

22. In the case of any local inquiry held by direction of a Secretary of State or the Local Government Board under this Act the costs incurred by the Secretary of State or Board in relation

Local in-
quiries.

A.D. 1904. — to such inquiry (including such reasonable sum not exceeding three guineas a day as the Secretary of State or Board may determine for the services of any inspector or officer of the department engaged in such inquiry) shall be paid as general expenses by the county councils of the administrative counties of East and West Suffolk in equal shares and the Secretary of State or Board may certify the amount of the costs so incurred and any amount so certified and directed by the Secretary of State or Board to be paid by either of the said county councils shall be a debt due to the Crown from that county council.

Costs of Act. **23.** The costs charges and expenses preliminary to and of and incidental to the preparation and passing of this Act including the reasonable costs charges and expenses of the East Suffolk County Council in that behalf shall be paid by the West Suffolk County Council as general expenses within the meaning of the Local Government Act 1888.

Saving for s. 61 of Local Government Act 1888. **24.** Nothing in this Act contained shall affect the power of appointing joint committees under section eighty-one of the Local Government Act 1888.

Saving for agreement between the two county councils. 57 & 58 Vict. c. 57. **25.** Nothing in this Act shall affect the provisions of an agreement dated the eleventh day of March one thousand eight hundred and ninety-five and made under section thirty-nine of the Diseases of Animals Act 1894 between the respective councils of the two divisions provided that the said agreement shall henceforth be read and have effect as if the words "who shall be the several members for the time being of the Suffolk Joint Committee" were omitted therefrom.

Repeal &c. **26.** Section forty-six (2) (b) of the Local Government Act 1888 (which relates to the transaction of business by a joint committee) shall cease to apply to the county or its divisions and all records of the Suffolk Joint Committee shall be transferred to and kept by the clerk of the peace of the eastern division.

The Suffolk Joint Committee (Borrowing Powers) Act 1893 shall be repealed as from the commencement of this Act.

Saving for county borough of Ipswich. **27.** Nothing in this Act contained shall in anywise alter or affect the position of the county borough of Ipswich.

Schedule. **28.** The schedule to this Act shall have effect as if it were enacted herein.

THE SCHEDULE.

A.D. 1904.

TERMS OF JOINT USER OF THE EXISTING ASYLUM FOR LUNATICS Section 13. AT MELTON IN THE SAID COUNTY AS A DISTRICT ASYLUM.

I. The asylum at Melton shall be jointly managed used repaired and maintained by the county councils of the eastern and western divisions and the necessary expenses attending the management user repairs and maintenance of the asylum and the pensions of officers shall be defrayed by the said county councils so united in the following proportions (that is to say):—

The county council of East Suffolk—Sixty-four hundredths.

The county council of West Suffolk—Thirty-six hundredths.

II. The committee of visitors to superintend the management user repairs and maintenance of the said asylum shall be appointed by the respective county councils at meetings to be held between the first day of January and the thirty-first day of March one thousand nine hundred and five as follows (that is to say):—

The county council of East Suffolk shall appoint twelve members

The county council of West Suffolk shall appoint twelve members

to act on such committee from and after the first day of April one thousand nine hundred and five and further appointments shall be made in like manner from time to time and until the first day of April one thousand nine hundred and five the committee of visitors acting at the time of the passing of this Act shall continue in office.

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