



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. XCVIII.

An Act to amend the Laws concerning Prisons.
[10th August 1842.]

WHEREAS it is expedient that the Laws concerning Prisons should be amended, and that greater Facilities should be given for building Prisons; 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 after the several Terms herein-after mentioned all Lands, Tenements, and Hereditaments purchased for the Purposes of a Prison, Court House, or other necessary Buildings to be used with such Prison, shall become and remain absolutely vested in the Person or Persons or Body Corporate to whom the Conveyance shall be made, and their Heirs or Successors, in Trust for the Purposes of a Prison, Court House, or other necessary Buildings to be used therewith; that is to say, after the Expiration of Five Years after the passing of this Act, with respect to Lands, Tenements, and Hereditaments purchased before the passing of this Act, and after the Expiration of Five Years from the Date of the Conveyance, with respect to Lands, Tenements, and Hereditaments purchased after the passing of this Act; and that if any Proceedings shall be taken before the Expiration of the said several Terms of Five Years, upon which Judgment shall be obtained for the Recovery of the Possession of any such Lands, Tenements, and Hereditaments, then within Two

Confirma-
tion of Title
to Lands, &c.
taken for the
Purposes of
Prisons, &c.

Calendar Months after such Judgment shall be obtained there shall be paid or tendered to the Person obtaining such Judgment, instead of such Lands, Tenements, and Hereditaments, his or her Costs on the Proceedings for obtaining such Judgment, and such Sum of Money as a Jury, in the Manner herein-after mentioned, shall find to have been the Value of the said Lands, Tenements, and Hereditaments.

Jury to ascertain the Value to be paid.

II. And be it enacted, That the Jury which shall try any Proceedings brought for the Recovery of the Possession of any of the said Lands, Tenements, or Hereditaments shall at the same Time ascertain the Value thereof at the Time when they were conveyed, or when Possession was taken thereof for the Purposes of a Prison, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession thereof, and the Value so ascertained shall be the Amount to be paid, instead of such Lands, Tenements, and Hereditaments.

The Borough Council may borrow Money for building Prisons.
5 & 6 W. 4. c. 76.

III. And be it enacted, That in every Borough in which there is or shall be a Body Corporate of Mayor, Aldermen, and Burgesses, under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or of any Charter granted in pursuance of that or any subsequent Act, and in which there shall be a separate Court of Sessions of the Peace, it shall be lawful for the Mayor, Aldermen, and Burgesses, by their Council, from Time to Time to take up and borrow any Sum of Money, not exceeding the Amount of the Estimate or Estimates approved by the Council, for building or rebuilding, repairing or enlarging the Prison, Court House, and other necessary Buildings to be used with the Prison for such Borough, according to any Plan approved by One of Her Majesty's Principal Secretaries of State, and for the Purchase of Land for the Purposes of any such Prison, Court House, and other necessary Buildings as aforesaid, or for repaying any Monies which may have been borrowed for any of the said Purposes before the passing of this Act: Provided always, that the whole of the Sum borrowed under this Act, and the Interest accruing due from Time to Time, shall be repaid within Thirty Years from the Time of borrowing the same.

Exchequer Loan Commissioners may grant Loans.

IV. And be it enacted, That upon the Application of the Council of any such Borough it shall be lawful for the Commissioners appointed for the Execution of the Acts authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works, to make Advances, subject to the Provisions of the said Acts, for building, rebuilding, enlarging, improving, repairing, or fitting up any Prison of that Borough, as fully as the said Commissioners are empowered to make such Advances for the like Purposes to the Justices of any County in *England*, on the Application of the major Part of them; and it shall be lawful for the Council to receive any Sum so advanced, and to apply the same to the Purposes for which such Advances shall be made, so that all Sums so advanced, with the Interest thereon, shall be fully repaid and satisfied within the Period of Twenty Years from the advancing thereof.

V. And be it enacted, That for securing Repayment of the Money so advanced it shall be lawful for the Council to grant Bonds under the Common Seal of the Mayor, Aldermen, and Burgesses of the Borough, or instead of issuing such Bonds to mortgage, with the Consent of Three or more Commissioners of Her Majesty's Treasury, any Part of the Lands, Tenements, and Hereditaments of the said Body Corporate, the Issues, Rents, and Profits of which, by any Law now in force, are or may be applied towards erecting or maintaining a Gaol or House of Correction in their Borough, and to repay the Money borrowed, and the Interest accruing due thereon, or so much thereof as the Council shall think fit to charge thereupon; out of the Borough Fund or Borough Rate, but subject and without Prejudice to any prior Claim upon such Borough Fund, or instead or in aid thereof it shall be lawful for the Council to make Gaol Rates, and to secure the Repayment of any Money so advanced, with the Interest accruing due, or so much as shall be charged thereupon, by Mortgage of the Borough Rates or Gaol Rates, so that all the Money borrowed, with the Interest due thereon, shall be repaid within the said Term of Thirty Years, or in case the Money shall have been advanced by the Commissioners of Exchequer Bills, within Twenty Years; and every such Mortgage may be by Instrument in the Form contained in the Schedule annexed to this Act, or in any other suitable Form.

Power of
Mortgage.

VI. And be it enacted, That every Gaol Rate made for the Purpose of repaying any Money advanced by any Person or Body Corporate for any of the Purposes aforesaid shall be made, levied, and raised in like Manner as the Borough Rate may be made, levied, and raised; and all Powers and Authorities now vested in the Council, or in Overseers of the Poor, or Persons appointed by the Council to act as such Overseers, relating to the making, levying, and collecting the Borough Rate, shall be in full Force and Effect in relation to the making, levying, and collecting any such Gaol Rate.

Gaol Rate to
be made and
raised in the
same Manner
as Borough
Rate.

VII. And be it enacted, That in every Case in which any Parish, Township, Precinct, or Place liable to support its own Poor shall be partly within and partly without any such Borough, the Overseers or other Persons charged with the Collection of the Rates made for the Relief of the Poor in such Parish, Township, Precinct, or Place, upon the Receipt of any Warrant from the Mayor, or any Justice or Justices of the Peace, High Constable, or other Officer duly authorized to act in that Behalf within the Borough, for the Payment of Money for the Purposes of this Act, (which Warrants every such Mayor, Justice of the Peace, High Constable, and other Officer shall be severally empowered to direct to them, in like Manner as if the whole of such Parish, Township, Precinct, or Place were within their Borough,) shall assess upon and levy from the Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments liable to the Poor Rates in that Part of their Parish, Township, Precinct, or Place which is within the Borough, the Amount mentioned in the Warrant, either as a separate Rate or Rates, for which the said Overseers shall have all the Powers which belong to them for levying a Rate for the Relief of the Poor, or with and as Part of the Poor Rate, and in addition to the Poor Rate to which the Inhabitants and Occupiers of Property within that Part of

Parishes, &c.
partly within
the Borough.

the

the Parish, Township, Precinct, or Place may be liable, in common with the Inhabitants and Occupiers of Property within the other Part thereof which is not within the Borough, and out of the Monies so levied and collected, or out of any Monies in their Hands collected for the Relief of the Poor, shall pay the Amount mentioned in the Warrant, and in default thereof shall be subject to all the Provisions and Penalties provided by any Act concerning the Nonpayment of any Borough Rate.

Corporations
and others
empowered
to sell and
convey
Lands.

VIII. And be it enacted, That it shall be lawful for the Queen's most Excellent Majesty, Her Heirs and Successors, and for all Bodies Politic and Corporate, and also for all Guardians, Committees, Husbands, Trustees, and Attornies of all Persons being Infants, Lunatics, Idiots, under Coverture or any other Disability, and also for all other Persons who are or shall be seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges which shall be deemed necessary for the Purposes of this Act, to contract or agree for, and to sell, convey, and assure, such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, unto the Mayor, Aldermen, and Burgesses of the Borough, in Trust and for the Purpose of converting the same into or for erecting new Prisons, Court Houses, or other necessary Buildings to be used with such Prisons, or of enlarging old ones, and of providing the Yards, Courts, and Outlets thereunto belonging; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever; and the Provisions of the Act passed in the Fourth Year of the Reign of King *George the Fourth*, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*, respecting Contracts of the like Description, shall extend and apply to the Contracts entered into under this Act, as if the Council of the Borough had been therein named instead of the Justices, except that the Council shall have no Power to compel any Person or Body Corporate to enter into any such Contract.

4 G. 4. c. 64.

Repeal of
Part of
4 G. 4. c. 64.

IX. And be it enacted, That so much of an Act passed in the Fourth Year of the Reign of King *George the Fourth*, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*, as restricts the Power to borrow Money for building, rebuilding, repairing, or enlarging any Gaol or House of Correction to the Case where the Amount of the Estimate approved by the Justices shall exceed One Half of the Amount of the ordinary annual Assessment, for the Rate of any County, Riding, Division, District, City, Town, or Place, or as provides that the Sum of Money to be borrowed under the Powers of the said Act, for building or rebuilding, repairing or enlarging any Gaol or House of Correction, shall be borrowed in Sums not exceeding One hundred Pounds each, or as provides that the Principal Sum borrowed must be repaid within Fourteen Years from the Time of borrowing the same, shall be repealed.

X. And

X. And be it enacted, That when the Justices of any County shall have borrowed any Money for building, rebuilding, repairing, or enlarging any Prison, they shall charge the Rate to be raised upon such County, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as will ensure the Payment of the whole Sum borrowed within Thirty Years, or if the Loan shall have been made by the Commissioners appointed for the Execution of the Acts authorizing the Issue of Exchequer Bills, within Twenty Years from the Time of borrowing the same.

Extending the Period for Repayment of Loans in Counties.

XI. And be it enacted, That if it shall be expressly presented that One Common Gaol is insufficient for any County, Riding, Parts, or Division of a County, having a distinct Commission of the Peace, or a distinct Rate in the Nature of a County Rate, applicable to the Maintenance of a Prison for such Division, the Justices of such County, Riding, Parts, or Division of a County, by Orders made for that Purpose, may provide and maintain Two or more Common Gaols for such County, Riding, Parts, or Division, and for that Purpose shall have the same Powers which they have for providing, building, repairing, and maintaining therein One Common Gaol, and for purchasing and holding the Site thereof; and all Laws and Enactments in force with respect to One Common Gaol shall be enforced with respect to any additional Gaol or Gaols which may be hereafter provided; and all Persons who may be committed to the Common Gaol, or kept therein, either before or after Trial, may be committed to or kept, either before or after Trial, in any such additional Gaol, and shall be there in the Custody of the Sheriff; and the Sheriff shall appoint and may remove the Keeper of every such additional Gaol.

Justices, on Presentment, may provide more than One Gaol.

XII. And whereas the Buildings at *Parkhurst* in the *Isle of Wight*, appointed to be used as a Prison under an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act for establishing a Prison for young Offenders*, have been found insufficient, and Doubts have been entertained whether additional Buildings may lawfully be made and used as a Prison there; be it declared and enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order, from Time to Time, that such Part of *Parkhurst* Barracks may be taken and used for the Purposes of the said Prison as to Her Majesty, with the Advice aforesaid, shall seem fit, and also from Time to Time, with the Advice aforesaid, to order that additional Buildings shall be built upon any Part of the Land already or hereafter to be appropriated to the Purposes of the said Prison; and all Parts of the Barracks so taken, and all such additional Buildings, shall be deemed to be a Part of *Parkhurst* Prison, and to be within all the Provisions of the said Act.

Amending the *Parkhurst* Prison Act, 1 & 2 Vict. c. 82.

XIII. And be it enacted, That for the Purpose of providing a Prison it shall be lawful for the Justices of any County, or such Person or Persons as they shall appoint for that Purpose, and for the Mayor, Aldermen, and Burgesses of any Borough, to purchase and hold so much Land as One of Her Majesty's Principal Secretaries of State shall deem to be necessary for the Purposes of such Prison.

Extending the Power of holding Land for Prisons.

Contracts may be made with Committees of District Prisons.

XIV. And be it enacted, That the Justices of any County, and the Mayor, Aldermen, and Burgesses of any Borough, by their Council, shall respectively have the same Power for contracting with the Committee for managing any District Prison established under an Act passed in this Session of Parliament, for the Conveyance, Support, and Maintenance in such District Prison of Prisoners committed thereto from such County or Borough, which they respectively have for contracting for the like Purpose with the Justices of any County, or the Mayor, Aldermen, and Burgesses of any Borough, or their Council; and it shall be lawful for the Committee for managing any such District Prison to enter into such Contracts, and to order that Offenders shall be received under such Contracts into the said District Prison, although the County or Borough with which any such Contract may be made shall not be a contracting Party to the Agreement in pursuance of which such District Prison shall have been established; and all such Offenders may be tried and sentenced by the District Court for all Offences of which the Court has Cognizance, and punished accordingly, in like Manner as any Offenders committed to such District Prison from any Borough, Party to the said Agreement.

Gaol and House of Correction to be provided for every Borough having separate Courts of Sessions of the Peace, except as to District Prisons.

XV. And be it enacted, That in every such Borough as aforesaid to which a separate Court of Sessions of the Peace hath been or shall hereafter be granted, there shall be One Common Gaol and at least One House of Correction, excepting those Boroughs in which the Mayor, Aldermen, and Burgesses, by their Council, shall have contracted with the Justices of the Peace having Authority or Jurisdiction in or over any Gaol or House of Correction of the County, Riding, or Division wherein such Borough is situated, or whereunto it is adjacent, or with the Mayor, Aldermen, and Burgesses of some other Borough in which there is a Gaol or House of Correction, or with the Committee of a District Prison, for the Support and Maintenance in such last-mentioned Gaol or House of Correction, or District Prison, respectively, of any Prisoners committed thereunto from such Borough; and during the Continuance of any such Contract, but no longer, the first-mentioned Mayor, Aldermen, and Burgesses shall not be bound to maintain any other Gaol or House of Correction for their Borough; and it shall be lawful for the Mayor, Aldermen, and Burgesses of any such Borough, by their Council, to enter into such Contracts as aforesaid, although at the Time of entering into such Contract there may be no Gaol or House of Correction belonging to such Borough; and all Enactments with respect to such Contracts shall apply as well to those Contracts where at the Time of entering into the same there was or is a Gaol or House of Correction belonging to the Borough, as to those Contracts where there was or is no Gaol or House of Correction belonging to the Borough at the Time of entering into the same.

Repeal of Part of 1 G. 2. c. 20.

XVI. And be it enacted, That so much of an Act of the First Year of the Reign of King *George* the Second, intituled *An Act for erecting a Workhouse in the City of Canterbury, for employing and maintaining the Poor there, and for the better enlightning the Streets of the said City*, as relates to providing, maintaining, repairing, and upholding a House of Correction by the Guardians of the Poor of the

the City of *Canterbury*, and their Successors, and also so much of the said Act as relates to the maintaining, providing, and allowing One or more Masters of the said House of Correction, and as provides that the same House of Correction shall be the public House of Correction for the said City of *Canterbury* and County of the same City, shall be repealed; and that as soon as another House of Correction shall have been provided for the said City and County, the Prisoners in the Bridewell shall be removed to such new House of Correction, and thereupon the Bridewell shall cease to be the House of Correction for the said City and County.

XVII. And be it enacted, That so much of any Act as enacts that any such Agreement shall be made by the Council of any Borough at a Quarterly Meeting of the Council shall be repealed, and that any such Agreement may be made by the Council of any such Borough at a Special Meeting of the Council to be called for that Purpose: Provided always, that nothing in this Act shall affect any Contract entered into before the passing of this Act between any Justices and the Council of any Borough.

Repeal of any Enactment authorizing Agreement to be made at Quarterly Meeting of Council.

XVIII. And be it enacted, That in every Borough to which a separate Court of Sessions of the Peace hath been or shall hereafter be granted or purported to be granted, and where the Persons committed for Offences arising within such Borough have been or shall hereafter be sent to any Prison of the County in which such Borough is situated, and that no special Contract shall be subsisting between such Borough and County relative to the said Prisoners, the Council of such Borough shall pay or cause to be paid to the Treasurer of such Prison, or other Person appointed by the Justices of the Peace, in General or Quarter Sessions assembled, for the County in which such Prison is situated, the actual Expences heretofore incurred, or hereafter to be incurred, in the Conveyance, Transport, Maintenance, safe Custody, and Care of every such Prisoner, according to the Time for which each such Prisoner shall have been or shall remain in Custody there, at the average daily Cost of each Prisoner, according to the whole Number of Prisoners confined in the said Prison, such Average to be taken yearly, half-yearly, quarterly, or at such other Intervals as the Visiting Justices of the Prison shall from Time to Time determine, including in such Expences all Salaries of Officers, all Expences of Repairs, Alterations, Additions, and Improvements in or to the said Prison, all Sums paid to Prisoners under any Act of Parliament on their Discharge or otherwise, and any other Charge whatsoever on account of the Prisoners confined in such Prison; subject nevertheless to a proportional Share of all Deductions on account of the Earnings of Prisoners in the said Prison, and of all Sums of Money received in aid of the Rates levied for the Maintenance of the said Prison: Provided always, that the Payment by the Council of any such Borough of any such Expences incurred before the passing of this Act may be made by Five equal yearly Instalments, the first of such Instalments to be payable within Three Calendar Months after the passing of this Act, with Interest after the yearly Rate of Four Pounds in the Hundred, to be calculated from the passing of this Act, upon so much of the said Expences incurred before the passing of this Act as shall remain unpaid until the whole shall be discharged.

Expence of Borough Prisoners in County Prisons to be paid by their Borough.

XIX. And

Expences of Prosecution of such Prisoners how to be defrayed.

5 & 6 W. 4. c. 76. s. 113.

XIX. And be it enacted, That the Expences heretofore incurred or hereafter to be incurred in the Prosecution of such Prisoners as aforesaid at the General or Quarter Sessions of the Peace of the County wherein such Borough is situated shall be defrayed by the Treasurer of such Borough in such Manner as is directed for the Payment of the Costs of Prosecutions by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, out of a Rate to be made, levied, and recovered within the said Borough in the same Manner as the Rate herein-after mentioned.

Expences of Conveyance and Maintenance of such Prisoners how to be paid.

5 G. 4. c. 85.

XX. And be it enacted, That the Expence heretofore incurred or hereafter to be incurred in the Conveyance, Transport, Maintenance, safe Custody, and Care of such Prisoners as aforesaid, shall be paid out of a Rate to be made and levied for that Purpose by the Council of such Borough in the Nature of a Borough Rate; and any such Rate may be made and recovered in the same Manner as any Borough Rate may be made or recovered; and the Amount of all such Expences of Conveyance, Transport, Maintenance, safe Custody, and Care of Prisoners as aforesaid shall, in case of Dispute, be settled by such Barrister-at-Law as shall be determined upon in Writing between the Visiting Justices of such Prison and the Council of such Borough; and in case no Appointment of such Barrister be agreed upon by the said Parties within the Space of Fourteen Days next after such Dispute shall have arisen, such Dispute shall be decided by the Arbitration of a Barrister, to be named as provided in the Case of Differences with respect to the Payment of Monies under Contracts made by Authority of an Act passed in the Fifth Year of the Reign of King George the Fourth, intituled *An Act for amending an Act of the last Session of Parliament, relating to the building and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*.

An Account of such Expences to be rendered.

XXI. And be it enacted, That an Account in Writing of the Expences due and payable, or claimed to be due and payable, in respect of the Conveyance, Transport, 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 Prison to which such Prisoners shall be committed, and delivered to the Town Clerk of the Borough within which the Offences shall have been committed, and such Account shall be conclusive against such Borough, unless some Objection thereto shall be made in Writing and signed by the Town Clerk of such 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.

Such Boroughs to be freed from County Rate.

XXII. And be it enacted, That every such Borough as aforesaid shall be freed from contributing to any Rate in the Nature of a County Rate made for the County in which such Borough is situated, in respect of the Prosecution, Conveyance and Transport, Maintenance, and safe Custody and Care of such Prisoners as aforesaid, so long as such Expences shall be defrayed under the Provisions of this Act.

Invalidity of Grant of Sessions of the

XXIII. And be it enacted, That in case any Grant of a separate Court of Sessions of the Peace, heretofore or hereafter to be made, or purported

purported to be made, to any such Borough as aforesaid, shall be quashed, vacated, or adjudged to be invalid, such Borough shall, notwithstanding, continue to be freed from the Payment of Rates in the Nature of County Rates for such County, and liable to the Payment of the Costs of the Prosecution, Conveyance and Transport, Maintenance, safe Custody, and Care of such Prisoners as aforesaid, in the Manner herein-before provided, up to the Time at which such Grant shall have been quashed, vacated, or adjudged to be invalid, and thenceforth to the Time of holding the General or Quarter Sessions of the Peace at which the next Rate in the Nature of a County Rate shall be made in respect of the Prosecution, Conveyance and Transport, Maintenance, safe Custody, and Care of Prisoners for Offences arising within the County within which such Borough is situated, and no longer.

Peace not to alter Liability.

XXIV. And be it enacted, That nothing in this Act contained shall be deemed to affect any Question which has arisen or may hereafter arise touching the Validity of any Charter of Incorporation or Grant of a separate Court of Sessions of the Peace; but every Rate to be made or levied as last herein-before provided, and every other Proceeding under the Authority of this Act, shall be valid, whether any such Charter or Grant is valid or invalid.

Act not to affect the Validity of Charters.

XXV. And be it enacted, That every Person who shall assault or violently resist any Officer of a Prison in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist any such Officer, shall for every such Offence, on Conviction thereof by the Oath of One or more Witnesses, or upon his or her own Confession, before Two Justices of the Peace, be liable to a Penalty not more than Five Pounds, to be levied, if not forthwith paid, by Distress and Sale of the Goods and Chattels of the Offender, or, in the Discretion of the Justices before whom he or she shall be convicted, may be imprisoned, with or without hard Labour, for any Time not more than One Calendar Month, or if the Offender be already under Sentence of Imprisonment, then such Offender for every such Offence shall be imprisoned, with or without hard Labour, for any Time not more than Six Calendar Months, in addition to so much of the Term for which he or she was originally sentenced as may then be unexpired.

Penalty for Assaults on Prison Officers.

XXVI. And be it enacted, That when any Convict who shall be ordered to be confined in the General Penitentiary at *Millbank* shall be brought thither, he or she shall continue in the Custody of the Person in whose Custody he or she shall have been brought to the said Penitentiary until he or she shall have been examined by the Surgeon or Apothecary of the said Penitentiary, and until it be certified by the Surgeon or Apothecary that he or she is fit to be received into the Penitentiary; and if the said Surgeon or Apothecary shall certify that he or she is not fit to be received there, he or she shall be conveyed back in the same Custody to the Prison or Place of Confinement from which he or she was brought, and the Expence of conveying him or her back shall be defrayed in the same Manner as and as Part of the Expence of bringing him or her to the said Penitentiary.

Examination previous to Reception of Convicts at Millbank Penitentiary.

Admiralty
Prisoners
under Sen-
tence of
Court-mar-
tial.

5 Vict.Sess 2.
c. 22.

XXVII. And whereas by an Act passed in this Session of Parlia-
ment the Queen's Prison hath become the Prison for Admiralty
Prisoners under Sentence of Courts-martial, but it is expedient to
make other Provisions for the Custody of such Prisoners; be it
enacted, That as soon as conveniently may be after the passing of
this Act all Admiralty Prisoners under Sentence of Courts-martial
then in the Queen's Prison shall be removed, by Warrant under the
Hand of One of Her Majesty's Principal Secretaries of State, to the
General Penitentiary at *Milbank*; and that after the passing of this
Act every Person who shall have been convicted by a Naval Court-
martial and sentenced to Imprisonment, or who, in consequence of
his Sentence, shall be liable to be detained until Execution of his
Sentence can be had, shall be committed to and imprisoned in the
Common Gaol of the County in which he shall be first landed or
shall first arrive in *England*, or of the County in which such Court-
martial shall have been holden; and the Gaoler or Keeper of such
Gaol shall receive into his Custody every such Person upon receiving
an Order in Writing for that Purpose under the Hand of the Lord
High Admiral of the United Kingdom, or Two of the Commissioners
for executing the Office of Lord High Admiral, and the Seal of the
Office of Admiralty, with a Copy of the Sentence, attested by the
Secretary of the Admiralty, and shall detain him in Confinement in
the Manner and for the Period mentioned in such Sentence, or until
Execution of his Sentence shall be had upon him, or until he shall be
discharged according to Law.

Place of
Confinement
of Admiralty
Prisoners
may be
changed.

XXVIII. And be it enacted, That whenever it shall be deemed
expedient it shall be lawful for the Lord High Admiral of the United
Kingdom of *Great Britain and Ireland*, or the Commissioners for
executing the Office of Lord High Admiral for the Time being, by
any Order in Writing to be made for that Purpose, under the Hand
of the said Lord High Admiral, or the Hands of Two or more
of the Commissioners aforesaid, and the Seal of the Office of
Admiralty, to change the Place of Confinement of any Offender
imprisoned or detained after Sentence of a Court-martial, and so
from Time to Time as often as it shall be deemed requisite; and the
Gaoler or other Person having the Custody of such Offender shall,
immediately on the Receipt of any such Order, remove and convey
such Offender to the Gaol, Prison, or House of Correction mentioned
in the said Order so to be made as aforesaid (for the Charges of
which Removal and Conveyance he shall be allowed a Sum not
exceeding One Shilling *per Mile*); and every Gaoler or Keeper of
such last-mentioned Gaol or House of Correction shall thereupon,
and upon being furnished with a Copy of the Sentence of Confine-
ment and of such Order of Removal, (such Copies respectively to be
attested by the Secretary of the Admiralty for the Time being,)
receive into his Custody, and shall confine, pursuant to such Sentence,
every such Offender.

Subsistence
of Admiralty
Prisoners.

XXIX. And be it enacted, That the Gaoler or other Person in
whose Custody any such Offender under Sentence of a Naval Court-
martial shall be shall receive the Sum of Sixpence for every Day that
such Offender shall be in his Custody, to be applied towards his
Subsistence, which Sum shall be paid to the said Gaoler or other
Person

Person under the Authority of the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being, upon the Application in Writing made to the Secretary of the Admiralty by any Justice for the County or Place in which such Gaol, Prison, or House of Correction shall be situated, with a Copy of the Order under which the Prisoner is confined.

XXX. And be it enacted, That in case any Governor, Gaoler, or Keeper, Chaplain, Assistant Chaplain, or other Officer or Servant of any Prison, shall, from confirmed Sickness, Age, or Infirmity, become incapable of executing the Duties of his or her respective Office in Person, it shall be lawful for the Persons having the Control of the Funds applicable to the Expences of that Prison, if they shall think fit, upon the Resignation of such Governor, Gaoler, or Keeper, Chaplain, Assistant Chaplain, or other Officer or Servant, and upon Report to them made by the Visiting Justices, or other Person superintending the Prison, Three Calendar Months at least before any Grant shall be made, such Report containing a Medical Certificate of such Incapacity, and Testimonials of good Conduct during the Period of Service, to grant to him or her an Annuity, by way of Superannuation Allowance, upon such Scale, with reference to the Amount of his or her Salary and Period of Service in any Prison respectively, as the Case may seem to require, not exceeding the Scale prescribed with respect to Persons in the public Service by an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*: Provided always, that nothing in this Act shall affect the Interests of any Governor, Gaoler, Keeper, or Chaplain appointed before the passing of this Act; and provided also, that in all Cases where it shall appear, upon the Certificate of the Medical Officer of the Prison in which the Person superannuated is serving at the Time of the Grant, that the Sickness or Infirmity whereby he or she is disabled has been caused by Service in that Prison, it shall be lawful to grant him or her any annual Allowance not exceeding One Fourth of the Salary and Emoluments of his or her Office, although he or she may not have served as a Prison Officer for Ten Years.

Superannuation Allowances to Officers of Prisons.

4 & 5 W. 4. c. 24.

XXXI. And be it enacted, That if any Debtor in Execution shall escape out of legal Custody after the passing of this Act, the Sheriff, Bailiff, or other Person having the Custody of such Debtor shall be liable only to an Action upon the Case for Damages sustained by the Person or Persons at whose Suit such Debtor was taken or imprisoned, and shall not be liable to any Action of Debt in consequence of such Escape; and that after the First Day of *March* in the Year One thousand eight hundred and forty-three, no Poundage shall be payable to Sheriffs, Bailiffs, and others, for taking the Body of any Person in Execution, but there shall be payable to the Sheriff or other Person having the Return of Writs, upon every such Execution against the Body, such Fees only as shall be allowed to be taken by Sheriffs or other Officers concerned in the Execution of Process under the Sanction and Authority of the Judges of the Courts of Common

Sheriffs liable in Damages only for Escapes;

not to receive Poundage.

7 W. 4. &
1 Vict. c. 55. Law at *Westminster*, pursuant to the Statute passed in the First Year of the Reign of Her Majesty, intituled *An Act for better regulating the Fees payable to Sheriffs upon the Execution of Civil Process.*

Interpreta-
tion of Act.

XXXII. And be it enacted, That in this Act the Word "County" shall be taken to mean also Riding, Parts, Division, or Hundred; and the Word "Prison" shall be taken to mean also Gaol or House of Correction.

Act to ex-
tend to Eng-
land only.

XXXIII. And be it enacted, That this Act shall not extend to *Scotland or Ireland.*

Act may be
amended.

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

SCHEDULE to which the foregoing Act refers.

Form of Mortgage and Charge upon the Borough Rates or Gaol Rates for securing Money borrowed by the Mayor, Aldermen, and Burgesses of any Borough.

THE Mayor, Aldermen, and Burgesses of the Borough [Town or City] of _____ by their Council, at a Special Meeting of the said Council, holden on the _____ Day of _____ in pursuance of the Powers given by an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*], do hereby mortgage and charge all the Rates to be raised within the said Borough [Town or City] under the Description of Borough [or Gaol] Rates, with the Payment of _____ which *G. H.* of _____ hath agreed to lend, and hath now actually paid towards defraying the Expences of building [or rebuilding, repairing, or enlarging, as the Case may be,] the Gaol [or House of Correction, Court House, or other necessary Buildings, as the Case may be,] for the said Borough [Town or City]; and do hereby, by the Council aforesaid, confirm the same unto the said *G. H.*, his Executors, Administrators, and Assigns, for securing Payment of _____ and Interest for the same, after the yearly Rate of _____ by the Hundred; and do order the Treasurer for the said Borough [Town or City] to pay the Interest of the said _____ half-yearly as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

Given under the Common Seal of the Borough [Town or City] this _____ Day of _____ in the Year _____