ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

CAP. LXIII.

An Act to regulate the General Penitentiary for Convicts, at *Millbank*, in the County of *Middlesex*.

[22d *June* 1816.]

WHEREAS under and by virtue of an Act passed in the Fifty-second Year of His present Majesty, for the Erection of a Penitentiary House for the Confinement of Offenders convicted within the City of *London* and County of *Middlesex*, and which Act, by the Provisions thereof, was extended also to Offenders convicted in other Parts of *England* and *Wales*, a Penitentiary has been erected at *Millbank*, in the County of *Middlesex*, for the Confinement and Employment of Male and Female Convicts; and the same is now completed for the Reception of a Part of the Number intended to be confined therein: And whereas under and by virtue of the Powers contained in the said Act, His Majesty in Council has been pleased to appoint a Committee to superintend the said Penitentiary: And whereas the Number of Convicts who may be confined in the said Penitentiary may conveniently be increased, without any Enlargement of the Building; and it is therefore expedient that Provision should be made for that Purpose: And whereas it is also expedient that other and further Provisions should be made, for the due Regulation of the said Penitentiary, and of the Convicts to be confined therein; 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 the Authority of the same, That all the Provisions in the said Act contained, so far as they relate to the Number of Convicts who may be confined in the said Penitentiary, and

52 G. 3. c. 44.

Certain Provisions of re-

cited Act repealed.

and to the Confinement, Employment, and Management of the Convicts in the ſaid Penitentiary, and the Eſtabliſhment and Duties of Officers belonging to the ſame, ſhall be and the ſame are hereby repealed.

Superviſors may make Accommodation for 400 Male and 400 Female Convicts, who may be confined in the ſaid Penitentiary at the ſame Time.

II. And be further enacted, That it ſhall be lawful for the Superviſors appointed under the ſaid recited Act, and they are hereby empowered, to make Accommodation in the ſaid Penitentiary for the Confinement and Employment of Four Hundred Male and a like Number of Female Convicts, making in the whole Eight Hundred Convicts, any Thing in the ſaid Act to the contrary notwithſtanding; and that any Number of Convicts, not exceeding Four Hundred Male and Four Hundred Female Convicts, may, with the Approbation of His Majeſty's Principal Secretary of State for the Home Department for the Time being, be impriſoned at one and the ſame Time in the ſaid Priſon or Penitentiary, and confined, employed, and managed therein, under the Proviſions of this Act.

Committee to remain until another is appointed.

III. And be it further enacted, That the Committee which has been nominated and appointed by His Majeſty in His Privy Council to ſuperintend the ſaid Penitentiary, ſhall remain and continue the Committee for that Purpoſe until a new Nomination or Appointment ſhall take place; and that it ſhall be lawful for His Majeſty in His Privy Council from Time to Time to remove all or any of the Perſons compoſing the ſaid Committee, and to appoint others in their Stead, or in the Stead of any ſuch as ſhall die or reſign: Provided always, that ſuch Committee ſhall not at any Time conſiſt of leſs than Ten nor more than Twenty Perſons in Number at the ſame Time.

Committee to make Bye Laws, Rules, &c.

IV. And be it further enacted, That it ſhall and may be lawful for ſuch Committee, or any Three of them, to hold Meetings, and to make Bye Laws, Rules, Orders, and Regulations, for the aſſembling of the ſaid Committee, and for all Matters relating to the Meetings of the ſame, as well as for the Government of the ſaid Penitentiary, and for receiving, ſeparating, claſſing, dieting, clothing, maintaining, employing, reforming, managing, treating, and watching the Convicts during their reſpective Confinement therein, as to the ſaid Committee ſhall ſeem juſt and proper; provided however that ſuch Bye Laws, Rules, and Orders, ſhall not have force until they ſhall have been ſubmitted to the Juſtices of His Majeſty's Court of King's Bench, and until ſuch Juſtices ſhall have ſubſcribed a Declaration, that they do not ſee any Thing contrary to Law in the ſaid Bye Laws, Rules, and Orders, ſo to be made as aforeſaid; and all ſuch Bye Laws, Rules, and Orders, ſhall be afterwards added to or altered, from Time to Time, as often as the ſaid Committee ſhall think neceſſary; and ſuch Additions and Alterations, ſo far as the ſame relate to the employing, reforming, managing, treating, and watching the Convicts in the ſaid Penitentiary, ſhall alſo in like Manner be ſubmitted to the Juſtices of His Majeſty's Court of King's Bench, and confirmed in Manner aforeſaid.

Appointment of Viſitors.

V. And be it further enacted, That it ſhall and may be lawful for ſuch Committee, or any Three of them, at any of their ſaid Meetings, to appoint any One or more of their ſaid Members to viſit the ſaid Penitentiary, during the Intervals between the Meetings of the ſaid Committee, and to delegate, if they ſhall think fit, Power to ſuch Viſitors, or any of them, to make any Order or give any Directions in Caſes of preſſing

Emergency within the ſaid Penitentiary, which might be made or given by the ſaid Committee if they were ſitting; provided that every ſuch Order or Direction, together with the Circumſtances by which the ſame was occaſioned, ſhall be reported to the ſaid Committee at their next Meeting.

Appointment of Officers, &c.

VI. And be it further enacted, That for the Regulation and Management of ſuch Penitentiary, and previouſly to the Opening thereof for the Reception of Convicts, there ſhall be elected and appointed by the ſaid Committee, a Governor, a Chaplain, a Secretary and Examiner of Accounts, a Surgeon or Apothecary, a Maſter Manufacturer, a Steward, and alſo for that Portion of the Penitentiary ſet apart for Female Convicts, a Matron, together with ſuch Taſkmaſters and other Officers and Servants, as the ſaid Committee, with the Approbation of the ſaid Principal Secretary of State for the Home Department, ſhall judge neceſſary; and every Perſon elected and appointed by the ſaid Committee to any of ſuch Offices, ſhall from Time to Time be removable by any Order of the ſaid Committee, ſpecially ſummoned for that Purpoſe, and when any Vacancies ſhall happen in any of the ſaid Offices other Perſons ſhall be elected and appointed thereto by the ſame Authority; and ſuch Salaries and other Allowances ſhall be annexed to the ſaid Offices, as the ſaid Committee, with ſuch Approbation as aforeſaid, ſhall direct.

Committee may vary the Number of Officers.

VII. Provided nevertheleſs, and be it further enacted, That it ſhall be lawful for the ſaid Committee from Time to Time, with ſuch Approbation as aforeſaid, to increaſe, diminiſh, diſcontinue, or vary the Number of Officers and Servants to be appointed for the ſaid Penitentiary in purſuance of the Directions aforeſaid; except by taking away or diſcontinuing any of the Offices of Governor, Matron, Chaplain, and Surgeon or Apothecary, to the ſame.

Committee may require Security from any Officer, &c. and in caſe of any Officer, &c. refuſing to quit Poſſeſſion, a Juſtice for the County of Middleſex may by Warrant direct Sheriff to remove him.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Committee, if they ſhall deem it neceſſary, to require any Officers or Perſons employed in the ſaid Penitentiary to give ſuch Security to the Governor of the ſaid Penitentiary, for the due Performance of their reſpective Duties, in ſuch Sums, and with ſuch Sureties, and in ſuch Form or Forms as they ſhall direct; and if any Perſon appointed to any Office or Duty in the ſaid Penitentiary, who ſhall be removed by the ſaid Committee from ſuch his Office or Employment, ſhall refuſe or neglect to quit the ſaid Penitentiary, or to give up the Poſſeſſion of any Houſe, Building, Premiſes, or Apartment therein or belonging thereto, within ſuch Period as ſhall be fixed by the Committee in any Order or Notice in Writing given for that Purpoſe, not being leſs than Forty-eight Hours after the Delivery to ſuch Perſon of any ſuch Order or Notice, then and in ſuch Caſe it ſhall be lawful for any Juſtice of the Peace acting for the County of *Middleſex*, on Application from any Three or more of the ſaid Committee by any Warrant under his Hand and Seal, to direct the Sheriff of the County to remove ſuch Officer or Perſon out of the ſaid Penitentiary, and the ſaid Sheriff ſhall thereupon clear the Poſſeſſion thereof, ſo far as relates to any Part of the Penitentiary, or any Houſe, Building, Premiſes, or Apartment therein or belonging thereto, occupied by or in Poſſeſſion of ſuch Officer, in like Manner as upon a Writ of *Habere facias poſſeſſionem*.

IX. And

Governor to be a Body Corporate.

IX. And be it further enacted, That the Governor of such Penitentiary shall be a Body Corporate, and shall sue and be sued by the Name of "The Governor of the General Penitentiary at *Millbank*, in the County of *Middlesex*."

Governor empowered to contract for Clothing, Diet, &c. necessary for the Convicts, with the Approbation of the Committee.

X. And be it further enacted, That the said Governor shall have Power to make Contracts with any Persons whomsoever, for the Clothing, Diet, and all other Necessaries for the Maintenance and Support of the Convicts confined in such Penitentiary, and for Implements or Materials of any Kind of Manufacture, or Trade, in which Convicts confined in such Penitentiary shall be employed, such Contracts being previously approved by the Committee; and also to carry on such Manufacture or Trade in such Penitentiary, and to sell such Goods, Wares, and Merchandize as shall be there wrought and manufactured.

Committee to direct how Books shall be kept, &c.

XI. And be it further enacted, That all Books and Accounts shall be kept by the Governor or other Officers in such Manner as the said Committee may direct from Time to Time; and the several Entries therein shall be examined by the said Committee, or by such of their Members as may be appointed a Sub-Committee for that Purpose, and shall be by them compared with the several Receipts and other Vouchers relating thereto, and shall be verified by such Governor and Officers upon Oath, if required, before such Committee, and shall, when approved by such Committee, be allowed and signed by any Three of them; and if such Committee shall disapprove of any Articles in such Accounts, they shall disallow the same.

Committee may examine Officers and Servants, &c. upon Oath, and may dismiss and prosecute for Fraud or Collusion.

XII. And be it further enacted, That if the said Committee shall suspect any fraudulent or improper Charges in any Accounts of the said Governor, other Officer, or Servant, or any Omission therein, they may examine upon Oath the said Governor, or any other Officer or Servant belonging to such Penitentiary, or any of the Persons employed about the same, or any Persons of whom any Stock, Materials, or other Things, have been purchased for the Use of such Penitentiary, or any Persons to whom any Stock, Materials, or other Things belonging to the said Penitentiary, or the Officers thereof, have been sold, or any of the Convicts confined in such Penitentiary, or any other Persons, touching any of the Articles contained in such Accounts, or any Omission therein, or any Thing relative thereto; and in case there shall appear in any such Accounts, any false Entry knowingly or wilfully made, or any fraudulent Omission therein, or any other Fraud whatsoever, or any Collusion between any Officer or Officers, Servant or Servants, belonging to such Penitentiary, or between any such Officer or Officers, Servant or Servants, and any other Person or Persons, in any Matter relative thereto, then besides the private Satisfaction in Damages which the Parties or Party injured may be entitled to recover by Law, the said Committee may dismiss any such Officer or Officers, Servant or Servants, who shall to them appear to have been guilty of any such false Entry, Omission, Fraud, or Collusion, and appoint another or others in his, her, or their stead; and if the said Committee shall see fit, they shall cause an Indictment or Indictments to be preferred against the Officer or Officers, Servant or Servants, or other Person or Persons, so offending, at the next Quarter or other General Session of the Peace to be holden for the County wherein the said Penitentiary is situated, or for any other adjoining

adjoining County; and in case such Person or Persons so indicted shall be found guilty of such Offence or Offences, he, she, or they shall be punished by Fine and Imprisonment, or either of them, at the Discretion of the Court.

Committee to certify to the Principal Secretary of State for the Home Department, when Penitentiary shall be fit for the Reception of Convicts.

XIII. And be it further enacted, That when the said Penitentiary, or a sufficient Part thereof shall be fitted and completed for the Reception of Convicts, and proper Officers shall be appointed for the Care and Management thereof, the said Committee shall certify, under their Hands and Seals, to His Majesty, through the said Principal Secretary of State for the Home Department, that such Penitentiary is so fitted and completed, and that such Officers have been appointed; and after the making of such Certificate, it shall and may be lawful for His Majesty, by an Order in Writing, to be notified by the said Secretary of State, to direct, that any Person who may be under Sentence or Order of Transportation, for any Offence committed within that Part of the United Kingdom called *England* and *Wales*, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed from the Gaol or Prison in which such Person may be confined, shall be removed to the said Penitentiary, there to remain and continue for and during the Term of Five Years, in case such Convict shall be under Sentence or Order of Transportation for Seven Years only, and for and during the Term of Seven Years, in case such Convict shall be under such Sentence or Order for Fourteen Years; and for and during the Term of Ten Years, in case such Convict shall be under such Sentence or Order for Life.

Regulations as to the Time of Confinement of Convicts sentenced to Transportation, and removed to the Penitentiary.

XIV. Provided always, and be it further enacted, That in case any Convict shall be removed to the said Penitentiary, who, having been under Sentence or Order of Transportation for the Term of Seven Years, shall previously to his or her being removed to the said Penitentiary, have been kept confined in some other Gaol or Prison, during a Part of such Term, such Convict shall be confined in the said Penitentiary under this Act, for Five Seventh Parts of the Residue of his or her Term of Seven Years Transportation, remaining unexpired, when he or she shall be received into the said Penitentiary; excluding nevertheless from the Computation of such reduced Period of Confinement, any fractional Part of a Week which may result from such Reduction; and in case any Convict shall be removed to the said Penitentiary, who, having been under Sentence or Order of Transportation for the Term of Fourteen Years, shall, previously to his or her being so removed, have been kept confined in some other Gaol or Prison during a Part of such Term, such Convict shall be confined in the said Penitentiary under this Act for One Half of the Residue of his or her Term of Fourteen Years Transportation remaining unexpired, when he or she shall be received into the said Penitentiary; excluding nevertheless from the Computation of such reduced Period of Confinement any fractional Part of a Day which may result from such Reduction; and in the case of any Convict who, having been under Sentence or Order of Transportation for Life, shall be removed to the said Penitentiary for the Term of Ten Years as aforesaid, such Term of Ten Years shall be computed from the Time of his or her being received into the said Penitentiary.

Sheriffs or Gaolers to deliver Convicts to the Penitentiary without Delay.

XV. And be it further enacted, That the Sheriff or Gaoler having the Custody of any Convict, whose Removal shall be ordered in Manner aforesaid, shall, with all convenient Speed after the Receipt of the Notification of any such Order, convey or cause to be conveyed every such Convict to the said Penitentiary, and there deliver him to the Governor thereof, together with a true Copy, attested by such Sheriff or Gaoler, of the Caption and Order of the Court before which such Convict was tried, containing the Sentence or Order of Transportation of such Convict, by virtue whereof he shall be in the Custody of such Sheriff or Gaoler, and also a Certificate containing his or her Age, and an Account of his or her Behaviour in Prison, before and after Trial, and the Gaoler's Observations on his or her Temper and Disposition, and such Information concerning his or her Connections and former Course of Life, as may have come to the Knowledge of such Gaoler; and the Governor of the said Penitentiary shall give a proper Receipt in Writing to the Sheriff or Gaoler, for the Discharge of such Sheriff or Gaoler.

Expences of such Removal to be paid by the County, &c.

XVI. And be it further enacted, That all reasonable Expences which the Sheriff or Gaoler shall incur in every such Removal, shall be paid by the County, Riding, Division, City, Borough, Liberty, or Place, for which the Court in which the Party was convicted shall have been holden; and the Sheriff or Gaoler shall receive the Money due for such Expences from the Treasurer of such County, Riding, Division, City, Borough, Liberty, or Place, such Expences being first allowed by the Order of the Justices of the Peace at their Quarter or other General Sessions of the Peace, who are hereby required to make such Order as shall be just in that Behalf.

Governor to have the same Power over Convicts in his Custody as a Sheriff or Gaoler.

XVII. And be it further enacted, That after Delivery of any such Convict as aforesaid into the Custody to which he or she shall be so ordered as aforesaid, such Governor, or other Person having the Custody of Convicts under his Direction, shall, during the Term for which such Convict shall be ordered to remain in his Custody, have the same Powers over such Convict as are incident to the Office of a Sheriff or Gaoler; and in case of any Abuse of such Custody, or other Misbehaviour or Negligence in the Discharge of his Office, shall be liable to the same Punishment as a Gaoler is now liable to by Law.

Insane Convicts may be removed from and returned to Penitentiary after Recovery, as in Cases of other Prisoners in Gaols.

XVIII. And be it further enacted, That if any Convict confined in the said Penitentiary shall become insane during such Confinement, and be so reported by the Committee to His Majesty's Principal Secretary of State for the Home Department, it shall be lawful for such Secretary of State to order and cause such insane Convict to be immediately removed to some proper Place of Confinement; and upon Recovery to be returned to such Penitentiary, in the same Manner as in the Case of any Prisoner becoming insane, after and while under Sentence, in any other Gaol or Prison.

Convicts, when brought, to be separately lodged and washed, and examined

XIX. And be it further enacted, That when any Convict who shall be ordered to be confined in the said Penitentiary shall be brought thither in pursuance of the Powers contained in this Act, he or she shall be separately lodged and washed, cleansed and purified, and shall then be examined by the Surgeon or Apothecary, and shall continue in such

ſeparate Lodging until it be certified, by ſuch Surgeon or Apothecary, that he or ſhe is fit to be received among the other Convicts, or until he or ſhe ſhall be removed to the Infirmary; and the Clothes in which he or ſhe ſhall then be clothed ſhall be burnt, if neceſſary, or otherwiſe ſhall be ſold and diſpoſed of, at the Diſcretion of the Governor, and the Produce thereof ſhall be accounted for to the Committee aforeſaid, and ſhall be by them directed to be carried by the ſaid Governor to the Account of the ſaid Convict in the Books of the ſaid Penitentiary; and ſuch Convict ſhall not be diſmiſſed at the End or other Determination of his or her Term, if he or ſhe ſhall then labour under any acute or dangerous Diſtemper, unleſs at his or her Requeſt; and when ſuch Convict ſhall be finally diſcharged, ſuch decent Clothing, as ſhall be judged neceſſary and proper by the Committee aforeſaid, ſhall be delivered to ſuch Convict; and alſo ſuch Sum of Money for his or her immediate Subſiſtence, as the ſaid Committee ſhall think proper, ſo as ſuch Sum ſhall not exceed Three Pounds; and if ſuch Convict, at the End or other Determination of his or her Term, ſhall procure any ſubſtantial Houſekeeper or other reputable Perſon, to take him or her into Service, or provide him or her with proper Employment for One Year then next enſuing, the ſame to be approved by the Committee aforeſaid, he or ſhe, having ſerved accordingly, ſhall be entitled at the End of the Year to ſuch other Sum of Money, not exceeding the like Sum of Three Pounds, as the ſaid Committee ſhall think fit.

by the Surgeon.

When diſcharged to be furniſhed with decent Clothing.

Allowances.

XX. And be it further enacted, That every ſuch Governor of the ſaid Penitentiary ſhall, during the Term for which ſuch Convict ſhall remain in ſuch Cuſtody, keep him or her to Labour of ſuch Kind as the Committee before mentioned ſhall direct and appoint; and if the Work to be performed by any ſuch Convicts ſhall be of ſuch a Nature as may require previous Inſtruction, proper Perſons ſhall be provided to give the ſame, by Order of the ſaid Committee, to whom a ſuitable Allowance ſhall be made.

Keeping Convicts to Labour.

XXI. And be it further enacted, That ſuch Convicts as ſhall be ſent to the ſaid Penitentiary ſhall, during the Hours of Labour, be ſeparated from each other, or ſhall work together in Companies compoſed of more or fewer Perſons in Number, in ſuch Manner as the Bye Laws, eſtabliſhed as aforeſaid by the Committee, ſhall preſcribe; and that all Convicts, not confined in the Infirmary, ſhall during their Hours of Reſt be kept entirely ſeparate and apart from each other, and be lodged in ſeparate Rooms or Cells; except in Caſes in which it may be deemed expedient to place Two or more Priſoners together on account of the Health or State of Mind of One of ſuch Priſoners.

Convicts, how to be lodged.

XXII. And be it further enacted, That ſuch Convicts ſhall be employed in Work at the ſaid Penitentiary, every Day in the Year, except *Sundays*, *Chriſtmas Day*, *Good Friday*, *Aſcenſion Day*, and any Day appointed for a General Faſt or Thankſgiving, and alſo except ſuch Days when ill Health will not allow of their working; and the Hours of work in each Day ſhall not exceed Eight Hours in the Months of *November*, *December*, and *January*, Nine Hours in the Months of *February* and *October*, and Ten Hours and an Half in the Reſt of the Year (excluſive of the Time allowed for Meals): Provided always, that it ſhall and may be lawful for

Hours of Work.

for the ſaid Committee, by a written Order, to permit any Convict to labour voluntarily for a longer Time than is herein mentioned, upon ſuch Conditions as ſhall in the ſaid Order be expreſſed.

Granting Rewards.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Committee to allow to any of the Convicts confined in the ſaid Penitentiary, as a Reward and Encouragement, any Part or Portion of the Profits ariſing from their Labour, not exceeding ſuch Proportion thereof as ſhall be approved of and allowed by the ſaid Principal Secretary of State for the Home Department; ſubject to ſuch Conditions and Regulations as the ſaid Committee ſhall direct and appoint.

Dividing Convicts into Claſſes.

XXIV. Provided always, and be it further enacted, That the ſeveral Convicts to be ſent to the ſaid Penitentiary ſhall be divided into Two Claſſes, which ſhall be called the Firſt and Second Claſſes; for which Purpoſe, the Time for which ſuch Convicts ſhall be ſeverally ordered to be confined, ſhall be divided into Two equal Parts, and during the firſt Part of the Time of the Impriſonment, he or ſhe ſhall be ranked in the Firſt Claſs, and during the Second Part of ſuch Time, he or ſhe ſhall be ranked in the Second Claſs; and the Confinement of ſuch Convicts as ſhall from Time to Time be ranked in the Firſt Claſs ſhall be more ſtrict, and the Confinement of the Convicts in the Second Claſs ſhall be more moderate; which ſeveral Degrees of Confinement for each Claſs ſhall be ſettled by the ſaid Committee, by Orders of Regulation to be approved of in Manner aforeſaid: Provided always, that if the ſaid Committee ſhall at any Time obſerve, or be ſatisfactorily informed of any extraordinary Diligence or Merit in any of the ſaid Convicts who are ranked in the ſaid Firſt Claſs, it ſhall be lawful for the ſaid Committee to order ſuch Convict to be transferred to the Second Claſs, for the Remainder of the Term for which he or ſhe was ordered to be confined in the ſaid Penitentiary, although ſuch Convict may not have completed the Period of his or her Impriſonment in the ſaid Firſt Claſs.

Committee to report Convicts, who ſhall manifeſt extraordinary Diligence.

XXV. And be it further enacted, That if the ſaid Committee ſhall at any Time obſerve or be ſatisfactorily informed of any extraordinary Diligence or Merit in any of the Convicts under their Inſpection, who ſhall be ranked in the ſaid Second Claſs of Convicts, the Committee ſhall report the ſame in Writing to the Principal Secretary of State for the Home Department, in order that he may recommend ſuch Convict to His Majeſty as an Object of the Royal Mercy, on ſuch Conditions as to Him ſhall ſeem meet.

How the Convicts ſhall be fed and clothed.

XXVI. And be it further enacted, That every Convict who ſhall be ordered to ſuch Penitentiary, ſhall, during the Time of his or her Confinement therein, be fed and ſuſtained with a ſufficient Quantity of coarſe but wholeſome Food, and alſo be clothed with a coarſe and uniform Apparel, with any diſtinguiſhing Marks which may be deemed uſeful to facilitate Diſcovery in caſe of Eſcape, the Whole to be ordered in ſuch Manner as the Committee aforeſaid ſhall from Time to Time appoint; and no ſuch Convict ſhall during the Time of his or her Confinement be permitted to have any other Food, Drink, or Clothing, than ſuch as ſhall be ſo appointed.

XXVII. And

None but Officers to enter any of the Apartments.

XXVII. And be it further enacted, That no Perſon except the Officers, or Servants of the Penitentiary, or ſuch Perſon or Perſons as ſhall be authorized according to the Regulations eſtabliſhed by the ſaid Committee, ſhall be permitted at any Time to enter any of the Apartments or Court Yards allotted to the Convicts, or to hold Converſation or Communication with any of them.

Governor may employ Convicts as Servants.

XXVIII. Provided alſo, and be it enacted, That it ſhall and may be lawful to and for the Governor of the ſaid Penitentiary to employ, with the Conſent of the ſaid Committee, any of the Convicts aforeſaid, who ſhall be ranked in the Second Claſs, as Overſeers, or Aſſiſtants, in the Management of the Works, and the Care of their Fellow Convicts, inſtead of their being confined to ſuch their Daily Labour as aforeſaid.

Puniſhing Officers or Servants ſupplying any Convict with Money, Proviſions, or Liquor, contrary to this Act.

XXIX. And be it further enacted, That no Officer or Servant of ſuch Penitentiary ſhall ſupply any of the Convicts therein with any Money, Clothing, Proviſions, or Diet, or with any Spirituous or other Liquors whatſoever, except ſuch Money, Clothing, Proviſions, or Diet, as the Governor of the Penitentiary ſhall from Time to Time permit or direct, and except ſuch Diet and Liquors as the Surgeon or Apothecary attending ſuch Penitentiary ſhall think proper to order for any ſuch Convict, in caſe of Illneſs; and in caſe any ſuch Officer or Servant ſhall be found guilty of carrying to any ſuch Convict, or of knowingly permitting to be carried to any ſuch Convict, any Money, Clothing, Proviſions, or Diet, or Liquors whatſoever, contrary to the Intent of this Act, ſuch Officer or Servant ſhall immediately be ſuſpended by the ſaid Governor, who ſhall report the ſame to the Committee at their next Meeting; and ſuch Committee ſhall inquire thereof upon Oath, and ſhall puniſh ſuch Officer or Servant by Forfeiture of Office, and by any Fine not exceeding Ten Pounds, or by either of ſuch Puniſhments, as the ſaid Committee ſhall in their Diſcretion think proper; and if any other Perſon or Perſons ſhall wilfully ſupply any ſuch Convict, at any Time during the Term of his or her Confinement with any Food, Drink, or Clothing, other than ſuch as ſhall have been appointed by the Committee as aforeſaid, or with any Money, he or ſhe ſo ſupplying ſuch Convict ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of the ſaid Committee.

Chaplain to read Morning and Evening Prayers, and preach Two Sermons on Sundays, &c.

XXX. And be it further enacted, That the Chaplain ſhall read Prayers and preach a Sermon both Morning and Evening, in the Chapel of ſuch Penitentiary, on every *Sunday* in the Year, and alſo on every *Chriſtmas Day*, *Good Friday*, and *Aſcenſion Day*, and on every Day appointed for a General Faſt or Thankſgiving; and all the Convicts confined in ſuch Penitentiary, who ſhall not be diſabled by Illneſs, or whoſe Attendance ſhall not be diſpenſed with by the Committee, ſhall attend the ſaid Prayers and Sermons, which ſhall alſo be attended by the Reſident Officers and by the Servants of ſuch Penitentiary, or ſuch of them as can be ſpared from their ſeveral Employments, and ſhall not be prevented by Illneſs; and the ſaid Chaplain ſhall viſit ſuch Convicts, under ſuch Regulations as may be preſcribed by the ſaid Committee, for their moral and religious Education.

XXXI. And

Chaplain may baptize and bury in the Penitentiary, and shall keep Registers and transmit Copy monthly to the Incumbent of the Parish, who is to enter the same in Register, and may have Allowance for so doing.

XXXI. And be it further enacted, That it shall be lawful for the Chaplain of the said Penitentiary, or such other Person as shall act for or assist him, and no other, to baptize all Children born, and bury all Persons who shall die therein, or in any Buildings or Premises belonging to or making Part of the said Penitentiary, and to perform Divine Service and administer the Sacrament according to the Liturgy of the Church of *England*, within the said Penitentiary; and such Chaplain shall keep an accurate Register of all such Christenings and of all such Burials, and shall Once in each Month transmit a Copy thereof to the Incumbent of the Church of *Saint John the Evangelist* in *Westminster*, or his Curate, in the Absence of such Incumbent, who shall, as soon after the Receipt thereof as can conveniently be, enter the same in the Register of the said Parish; and it shall be lawful for the said Committee to order and direct that an Allowance shall be made to such Incumbent for making each such Entry, according to the Custom in like Cases in the said Parish.

Convicts to walk and air themselves.

XXXII. And be it further enacted, That the Convicts ordered to be confined in such Penitentiary shall be permitted to walk and air themselves in the airing Yards or Grounds belonging thereto, for such stated Time as their Health may require, and the Regulations of such Penitentiary shall permit.

Convicts, when sick, to be visited by the Surgeon; and if necessary, be sent to the Infirmary.

XXXIII. And be it further enacted, That in case any such Convict shall appear to be sick, he or she shall be visited by the Surgeon or Apothecary attending such Penitentiary, and if the Sickness be found to be real, the said Surgeon or Apothecary shall report the same to the Governor, who shall, if the Sickness be of such a Nature as to require it, order such Convict to be sent to the Infirmary belonging to such Penitentiary, and his or her Name to be entered in a Book, to be kept for that Purpose; and when such Convict shall have so far recovered his or her Health as that the said Surgeon or Apothecary shall judge him or her to be in a proper Condition to quit the Infirmary, and to return to his or her Employment, and the said Surgeon or Apothecary shall so report, the said Governor shall order such Convict to be brought back to his or her Cell, and to be again employed in Labour, so far as shall be consistent with the Health of such Convict.

Committee to examine into the State of the Penitentiary, and inspect the Accounts.

XXXIV. And be it further enacted, That the said Committee, at every Meeting at which Three of them at the least shall be present, shall inquire into the State of such Penitentiary, and shall inspect the Accounts of the Governor and other Officers, and also examine into their Conduct, into the Management of such Penitentiary, and into the Behaviour of the Convicts confined therein.

Governor empowered to hear Complaints.

XXXV. And be it further enacted, That the Governor of such Penitentiary shall have Power to hear all Complaints touching any of the following Offences committed by any of the Convicts confined therein; (that is to say), Disobedience of any of the Orders established for the said Penitentiary; Assaults by one Person confined in such Penitentiary upon another, when no dangerous Wound or Bruise is given; profane Cursing and Swearing, or indecent Behaviour; Absence from Chapel, or irreverent Behaviour there; and Idleness or Negligence in Work, or wilful Mismanagement of it, or wanton Damage or Injury to the Prison or Furniture;

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miture thereof; all which are declared to be Offences by this Act; and the said Governor may examine any Persons touching such Offences, and may determine thereupon, and may punish such Offences by ordering the Offender to close Confinement in a dark Cell, or by keeping him or her upon Bread and Water only, or by both such Punishments, for any Term not exceeding Three Days.

Enormous Offenders to be confined by the Governor, and reported to the Committee.

XXXVI. And be it further enacted, That if any Convict who shall be confined in any such Penitentiary shall, during the Term for which he shall be so confined, be guilty of any Offence which the Governor of such Penitentiary is not hereby authorized to punish, or for which the Punishment which such Governor is hereby authorized to inflict, shall by such Governor be deemed not sufficient, by reason of the Enormity of the Offence, or the Repetition thereof, such Governor may confine such Offender either in his or her own Cell, or in a dark Cell belonging to such Penitentiary, till the next Meeting of the said Committee, and shall in such Case report such Offence, with the Time and particular Circumstances thereof, and the Name of the Offender, to the said Committee; and such Committee shall have Power to inquire upon Oath, and determine, concerning all such Offences so reported to them as aforesaid, and may order any such Offender to be punished by close Confinement in a dark Cell, with Bread and Water only for Sustenance, for any Term not exceeding One Month, or by removing such Offenders, if ranked in the Second Class, into the First Class, or by both such Punishments; and in case of Removal into the First Class, the Offender shall, from the Time of making such Order of Removal, remain in such First Class, until he or she be restored to the Second Class by Order of the Committee, or until the Term of his or her Confinement shall be completed.

Committee may administer Oaths.

XXXVII. And be it further enacted, That whenever by this Act the said Committee, or any Three of them, are empowered or directed to make any Inquiry or receive any Proof upon Oath, any One of the said Committee is hereby authorized to tender and administer such Oath; and any Three of the said Committee may summon or cause to be summoned such Witnesses, as they shall think meet, to appear and give Evidence before them; and if any Person, being duly summoned, shall refuse or neglect to appear, or being present and competent to be a Witness shall refuse to be sworn, or being sworn shall refuse to give Evidence, such Person shall forfeit any Sum not less than Twenty Shillings, nor more than Ten Pounds, at the Discretion of the said Committee.

Governor to keep regular Books, and Returns to be made therefrom.

XXXVIII. And be it further enacted, That the Governor of the said Penitentiary shall keep a regular Book or Books, in which shall be entered the Names of all and every the Person or Persons who shall be in his Custody, the Offences of which they shall have been guilty, the Court before which each Person was convicted, the Sentence of the Court, the Age, Bodily Estate, and Behaviour of every such Convict while in Custody; and also the Names of all and every the Person or Persons who shall have died under such Custody, or shall have escaped from such Place of Confinement, or shall have been discharged from thence by Order from One of His Majesty's Principal Secretaries of State, or otherwise; from which Books Returns shall be made of the Particulars mentioned above, on the First Day of every Term, to His Majesty's Court of King's Bench, and shall be verified on the Oath of the Person making the same.

XXXIX. And

Reports to be laid before the King in Council, and both Houſes of Parliament.

XXXIX. And be it further enacted, That the ſaid Committee ſhall at the Beginning of every Seſſion make a faithful Report to the King in Council, and to both Houſes of Parliament, ſpecifying the State of the Buildings, the Behaviour and Conduct of the reſpective Officers, the Treatment and Condition of the Convicts, the Amount of their Earnings, and the Expences of ſuch Penitentiary, and alſo in Matters of extreme or preſſing Neceſſity, ſhall and may make a Special Report thereof to the Juſtices of His Majeſty's Court of King's Bench.

Bye Laws, Rules, &c. to be reported to the King in Council, and to both Houſes of Parliament.

XL. And be it further enacted, That the ſaid Committee ſhall report to His Majeſty in Council, and to both Houſes of Parliament, all Bye Laws, Rules, or Regulations, made under the Authority of this Act, and all Alterations therein or Additions thereto, within Thirty-one Days after the Commencement of the next Seſſion of Parliament after ſuch Bye Laws, Rules, and Regulations, or Alterations or Additions, ſhall have been confirmed by the Juſtices of His Majeſty's Court of King's Bench, as hereinbefore is directed.

Penitentiary to be exempt from Public and Parochial Taxes.

XLI. And be it further enacted, That the ſaid Penitentiary, and all the Buildings and incloſed Area and Appurtenances belonging thereto and making Part thereof, ſhall be and they are hereby declared to be wholly freed and exempt from all Public and Parochial Taxes, Rates, Aſſeſſments, and Charges whatſoever, any Thing in any Act or Acts of Parliament now in force, or which may hereafter be paſſed in relation to any Public or Parochial Taxes, Rates, or Aſſeſſments, to the contrary notwithſtanding: Provided always, that no Perſon belonging to or employed in the ſaid Penitentiary, and no Child born therein, ſhall thereby gain a Settlement in the Pariſh in which the ſaid Penitentiary is ſituate.

Expences of executing the Act, to be laid before the Houſe of Commons.

XLII. And be it further enacted, That an Account of the Expences of carrying this Act into Execution ſhall be annually laid before the Houſe of Commons, and after deducting therefrom ſuch Profit as may have ariſen from the Earnings of the Convicts, over and above the Expences occaſioned by their Labour, and any Allowances which ſhall have been made to ſuch Convicts, or to the Officers ſuperintending ſuch Labour, by Order of the Committee, the Remainder ſhall be provided for in the next Supplies to be granted to His Majeſty by Parliament.

Puniſhment of Convicts breaking Priſon or eſcaping.

XLIII. And be it further enacted, That if any Convict who ſhall be ordered to be confined in the ſaid Penitentiary ſhall at any Time during the Term of ſuch Confinement break Priſon, or eſcape from the Place of his or her Confinement, or in his or her Conveyance to ſuch Place of Confinement, or from the Perſon or Perſons having the lawful Cuſtody of ſuch Convict, he or ſhe ſo breaking Priſon or eſcaping ſhall be puniſhed by an Addition of Three Years to the Term for which he or ſhe at the Time of his or her Breach of Priſon or Eſcape was ſubject to be confined; and if ſuch Convict ſo puniſhed by ſuch Addition to the Term of Confinement ſhall afterwards be convicted of a Second Eſcape or Breach of Priſon, he or ſhe ſhall be adjudged guilty of Felony, without Benefit of Clergy.

Puniſhing Perſons reſcuing or attempting

XLIV. And be it further enacted, That if any Perſon ſhall reſcue any Convict who ſhall be ordered to be confined within the ſaid Penitentiary, either during the Time of his or her Conveyance to the ſaid Penitentiary, or

whilſt ſuch Convict ſhall be in the Cuſtody of the Perſon or Perſons under whoſe Care and Charge he or ſhe ſhall be ſo confined; or if any Perſon ſhall be aiding or aſſiſting in any ſuch Reſcue, every ſuch Perſon ſo reſcuing, aiding, or aſſiſting, ſhall be guilty of Felony, and may be ordered to be confined in the ſaid Penitentiary for any Term not leſs than One Year, nor exceeding Five Years; and if any Perſon having the Cuſtody of any ſuch Convict as aforeſaid, or being employed by the Perſon having ſuch Cuſtody as a Keeper, Underkeeper, Turnkey, Aſſiſtant, or Guard, ſhall voluntarily permit ſuch Convict to eſcape; or if any Perſon whatſoever ſhall, by ſupplying Arms, Tools, or Inſtruments of Diſguiſe, or otherwiſe be in any Manner aiding and aſſiſting to any ſuch Convict in any Eſcape, or in any Attempt to make an Eſcape, though no Eſcape be actually made, or ſhall attempt to reſcue any ſuch Convict, or be aiding and aſſiſting in any ſuch Attempt, though no Reſcue be actually made, every ſuch Perſon ſo permitting, attempting, aiding, or aſſiſting, ſhall be guilty of Felony; and if any Perſon having ſuch Cuſtody, or being ſo employed by the Perſon having ſuch Cuſtody as aforeſaid, ſhall negligently permit any ſuch Convict to eſcape, ſuch Perſon ſo permitting ſhall be guilty of a Miſdemeanor, and being lawfully convicted of the ſame, ſhall be liable to Fine or Impriſonment, or to both, at the Diſcretion of the Court. to reſcue Convicts.

XLV. And to the Intent that the Proſecution for Eſcapes, Breaches of Priſon, and Reſcues, may be carried on with as little Trouble and Expence as poſſible, be it further enacted, That any Convict eſcaping, breaking Priſon, or being reſcued in Manner aforeſaid, may and ſhall be tried before the Juſtices of Oyer and Terminer or Gaol Delivery, or at the Great Seſſions, either for the County where he or ſhe ſhall be apprehended and retaken, or for the County in which the ſaid Offence ſhall have been committed; and in caſe of any Proſecution for any ſuch Eſcape, Attempt to Eſcape, Breach of Priſon, or Reſcue, either againſt the Convict eſcaping or attempting to eſcape, or having broken Priſon, or being reſcued, or againſt any other Perſon or Perſons concerned therein, or aiding, abetting, or aſſiſting the ſame, a Copy properly atteſted, of the Order of Commitment to ſuch Penitentiary ſhall, after Proof made that the Perſon then in queſtion before the Court is the ſame that was delivered with ſuch Order, be ſufficient Evidence to the Court and Jury that the Perſon then in queſtion was ſo ordered to ſuch Confinement. Mode of Trial and Conviction.

XLVI. And be it further enacted, That in caſe it ſhall appear to the ſaid Committee, or to any Member thereof, who ſhall be appointed a Viſitor as aforeſaid, that the Continuance within the ſaid Penitentiary, of any Perſon, not being an Officer or Servant of the ſaid Penitentiary or a Convict confined therein, is inexpedient or objectionable, it ſhall and may be lawful for ſuch Committee or Viſitor, by an Order in Writing to direct ſuch Perſon to quit ſuch Penitentiary; and in caſe ſuch Perſon ſhall refuſe or neglect ſo to do within Six Hours after the Receipt of ſuch Order, it ſhall and may be lawful for any One of His Majeſty's Juſtices of the Peace, acting in and for the County of *Middleſex*, on Application from ſuch Committee or ſuch Viſitor, by Warrant under his Hand and Seal, to authorize and empower any Perſon to whom ſuch Warrant ſhall be directed, forthwith to remove ſuch Perſon from and out of the ſaid Penitentiary. The Committee or Viſitors may direct any Perſon not being Officers, Servants, or Convicts, to quit the Penitentiary.

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Other Acts relating to Gaols, &c. not to apply to the Penitentiary.

XLVII. And be it further enacted, That the ſaid Penitentiary ſhall be regulated by the Proviſions in this Act contained; and no other Act or Acts of Parliament relating to Gaols, Priſons, or Houſes of Correction, or any Clauſes, Proviſions, Regulations, Penalties, or Forfeitures, contained in any ſuch Act or Acts, ſhall extend or be conſtrued to extend to the ſaid Penitentiary, except ſo far as any ſuch Acts, Clauſes, Proviſions, or Regulations are by this Act referred to and made applicable to the Purpoſes of this Act, or to the ſaid Penitentiary, or to any Perſons belonging to or confined as Convicts therein.

Recovery of Penalties.

XLVIII. And be it further enacted, That any pecuniary Penalties created by this Act, for the Recovery of which no Mode is herein-before preſcribed, ſhall be recoverable before Two or more Juſtices of the Peace in the County in which the Offence ſhall be committed, on Proof of the Offence by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or on Confeſſion of the Offender; and One Moiety thereof ſhall be paid to the Uſe of the Penitentiary, and the other Moiety to the Informer or Informers proſecuting for the ſame, and in caſe of Non-payment, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of ſuch Juſtices; and the Overplus of the Money raiſed, after deducting the Penalty and Expences of the Diſtreſs and Sale, ſhall be rendered to the Owner; and for want of ſufficient Diſtreſs, the Offender ſhall be ſent by ſuch Juſtices to the Priſon of ſuch County, for ſuch Term not exceeding Six Months, nor leſs than One Month, as ſuch Juſtices ſhall think moſt proper.

General Iſſue to be pleaded.

XLIX. And be it further enacted, That the Proviſions of an Act of Parliament paſſed in the Twenty-fourth Year of the Reign of His preſent Majeſty, and of all other Acts of Parliament for the rendering Juſtices of Peace more ſafe in the Execution of their Offices, ſhall extend and be conſtrued to extend to all Perſons nominated to form Part of the ſaid Committee for ſuperintending the ſaid Penitentiary, and to the Governor thereof, ſo as that no Action ſhall be brought againſt any ſuch Perſon or Perſons for any Thing done under this Act, without Notice, to enable him or them to tender Amends; and if any Suit or Action ſhall be proſecuted againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Perſon or Perſons may plead the General Iſſue, and give this Act or the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done by the Authority of this Act; and if a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become Nonſuit, or diſcontinue his, her, or their Action or Actions after Iſſue joined, or if on Demurrer or otherwiſe, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and have the like Remedy for the ſame as any Defendants have by Law in other Caſes; and though a Verdict ſhall be given for any Plaintiff in any ſuch Action or Suit as aforeſaid, ſuch Plaintiff ſhall not have Coſts againſt the Defendant, unleſs the Judge, before whom the Trial ſhall be, ſhall certify his Approbation of the Verdict.

Treble Coſts.

Limitation of Actions.

L. And be it further enacted, That all Actions, Suits, and Proſecutions to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſhall be laid and tried in the County or Place

where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise.

LI. And be it further enacted, That this Act may be altered or amended by any Act or Acts to be passed in the present Session of Parliament. Act may be altered this Session.

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