ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

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C A P. CXXXVI.

An Act for the better Regulation of the General Penitentiary for Convicts at *Millbank*.

[13th *July* 1819.]

WHEREAS by an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, intituled *An Act to regulate the General Penitentiary for Convicts at* Milbank, *in the County of* Middlesex, it was among other Things enacted, that any Number of Convicts, not exceeding Four hundred Male and Four hundred Female Convicts, might, 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 that Act: And whereas it is found by Experience that the Number of Male Convicts who may be confined in the said Penitentiary may conveniently be increased: And whereas it is also expedient that the Provisions of the said Act should be in other Respects altered, enlarged, and amended; 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 any Number of Convicts, not exceeding Six hundred Male and Four hundred Female Convicts, may, with the Approbation of One of His Majesty's Principal Secretaries of State for

56 G. 3. c. 63.

Any Number not exceeding 600 Male and 400 Fe-

male Convicts may be confined in the Penitentiary.

for the Time being, be at one Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of this and the said recited Act.

Powers of recited Act extended to Convicts under Acts of 19 G. 3. c. 74. 25 G. 3. c. 46.

II. And be it further enacted, That all the Powers, Provisions, and Regulations contained in the said recited Act, relating to any Person under Sentence or Order of Transportation for any Offence committed in that Part of the United Kingdom called *England* and *Wales*, and confined in any Gaol or Prison, shall extend to any Person under Sentence or Order of Transportation for any Offence committed within that Part of the United Kingdom called *Great Britain*, whether confined in any Gaol or Prison, or on board any Ship or Vessel provided pursuant to the Provisions of a certain Act passed in the Nineteenth Year of His present Majesty's Reign, intituled *An Act to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment of certain Offenders;* or of a certain Act passed in the Twenty-fifth Year of His said Majesty's Reign, intituled *An Act for the more effectual Transportation of Felons and other Offenders in that Part of* Great Britain *called* Scotland, *and to authorize the Removal of Prisoners in certain Cases.*

Powers of recited Act relating to Sheriffs or Gaolers, extended to Commanders of Prison Ships.

III. And be it further enacted, That all the Powers, Provisions, and Regulations contained in the said recited Act of the Fifty-sixth Year aforesaid, relating to any Sheriff or Gaoler, shall extend to any Superintendant or other Commander of any such Ship or Vessel, or other Person having the Custody of any Person or Persons who may now or shall hereafter be confined on board any such Ship or Vessel as aforesaid.

Provisions of recited Act empowering Committee to increase or diminish the Number of Officers and Servants;

IV. And whereas it is by the said Act 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: And whereas the said Provision hath been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

and relating to the Time that the Convicts shall be kept to work;

V. And whereas it is by the said Act 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 a Half in the Rest of the Year, exclusive of the Time allowed for Meals; provided always, that it shall and may be lawful 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: And whereas

the said Provision hath been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

also relating to supplying Convicts with Money, Clothing, Provisions, or Spirits;

VI. And whereas it is by the said Act 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 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: And whereas the said Provision hath been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

and also relating to the Governor hearing Complaints touching certain Offences;

VII. And whereas it is by the said Act 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 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: And whereas the said Provision hath been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

and the further Powers given to such

VIII. And whereas it is by the said Act enacted, that if any Convict who shall be confined in any such Penitentiary shall, during the

Governor to punish with more Rigour Offences of greater Enormity;

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: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Provision as to the Time of Committee reporting Bye-Laws to His Majesty and to Parliament;

IX. And whereas it is by the said Act 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 herein-before is directed: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

and as to the Punishment to be inflicted on Convicts for escaping from Confinement; shall be repealed.

X. And whereas it is by the said Act 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: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

XI. And

XI. And be it further enacted, That it shall be lawful for the Committee appointed or to be appointed in pursuance of the said recited Act of the Fifty-sixth Year aforesaid, from Time to Time, with the Approbation of His Majesty's Principal Secretary of State for the Home Department for the Time being, to increase or diminish, discontinue or vary, the Number of Officers and Servants to be appointed for the said Penitentiary, in pursuance of the said Act, except by taking away or discontinuing any of the Officers of Governor, Matron, Chaplain, and Surgeon or Apothecary to the same, or to add such new Officers and Servants thereto as may be found necessary.

Officers and Servants may be increased or diminished with Consent of the Secretary of State.

XII. And be it further enacted, That such Convicts as shall be sent to the said Penitentiary, shall be employed in Work therein in 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, or when the said Committee shall think fit for any special Reason to dispense with their working by an Order in Writing; and the Hours of Work in each Day shall not exceed Ten Hours and a Half exclusive of the Time allowed for Meals: Provided always, that it shall and may be lawful 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 in the said Order shall be expressed.

Regulating the Days and Hours of Work of the Convicts.

XIII. And be it further enacted, That no Officer or Servant of the said Penitentiary, nor any other Person whatsoever, shall supply or bring in to any of the Convicts therein any Money, Clothing, Provisions, Diet, or other Article or Thing whatsoever, or any Spirituous or other Liquors whatsoever, except such Money, Clothing, Provisions, Diet, Article, or Thing, 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 the Penitentiary shall think proper to order for any such Convict in case of Illness; and that no Officer or Servant of such Penitentiary, nor any other Person whatsoever, shall clandestinely, or otherwise than according to the Rules and Regulations of such Penitentiary, bring in to or carry out from any Convict, or receive for the Purpose of bringing in to or carrying out from any Convict, any Letter or Paper; and in case any Person shall be found supplying or bringing in to any such Convict any Money, Clothing, Provisions, Diet, or other Article or Thing whatsoever, or any Liquors whatsoever, or of bringing in to or carrying out from any Convict, or receive for the Purpose of bringing in to or carrying out from any Convict, any Letter or Paper whatsoever, contrary to the Intent of this Act, if such Person be an Officer or Servant of such Penitentiary, he or she shall immediately be suspended by the said Governor, who shall report the same to the Committee at their next Meeting, and such Committee shall enquire thereof upon Oath, and shall punish such Officer or Servant by Forfeiture of Office, and if it shall seem meet to them, shall cause such Officer or Servant to be prosecuted for his or her Offence, before a Justice of the Peace, who, upon Conviction, may forthwith punish

No Officer or Servant of the Penitentiary, or any Person whatever, to supply the Convicts with any Thing whatever, except as the Governor shall direct.

Penalty.

such Officer or Servant by a Fine, not exceeding Ten Pounds; and if such Person be not an Officer or Servant of such Penitentiary, he or she shall for every such Offence forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice before whom he or she shall be prosecuted and convicted.

Governor emowered to hear Complaints, and to punish Offences.

XIV. 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, where 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 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 Fourteen Days; provided always, that no such Punishment shall exceed the Space of Three Days, unless before the Expiration of that Period the Approbation in Writing of the Visitor for the Time being shall be had and obtained.

Governor may confine Convicts for Offences of greater Enormity.

XV. And be it further enacted, That if any Convict, who shall be confined in the said Penitentiary, shall, during the Term for which he or she 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 determine concerning all such Offences so reported to them as aforesaid; and for that Purpose (if they shall think fit) to examine any Person upon Oath, and may order any such Offender to be punished by close Confinement in a dark Cell with Bread and Water only, for any Term not exceeding One Month, or by removing such Offender, 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 shall be restored to the Second Class by Order of the Committee, or until the Term of his or her Confinement shall be completed; and in case it shall appear to the said Committee that the Punishment inflicted upon any Offender by the said Governor, with or without the Approbation of the Visitor, is insufficient, the said Committee shall have Power to extend such Punishment to any Term not exceeding

One Month from its first Commencement, and may further order the Removal of the said Offender into the First Class, in the same Manner as if the said Offender had been originally reported for Punishment to the said Committee.

Committee to report to His Majesty in Council, and to both Houses of Parliament, all Bye-laws, &c.

XVI. 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, and Regulations made under the Authority of the said recited Act of the Fifty-sixth Year aforesaid, and all Alterations therein or Additions thereto, within Six Weeks 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 in the said recited Act of the Fifty-sixth Year of His said Majesty is directed.

Punishment of Convicts breaking Prison, &c.

XVII. 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, not exceeding 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; and if any Convict who shall be ordered to be confined in the said Penitentiary, shall at any Time during the Term of such Confinement, attempt to break Prison or escape from the Place of his or her Confinement, or shall forcibly break out of his or her Cell, or shall make any Breach therein with Intent to escape therefrom, he or she so offending, being convicted thereof, shall be punished by an Addition not exceeding Six Calendar Months to the Term for which he or she at the Time of committing any such Offence was subject to be confined.

Committee empowered to reward meritorious Convicts on their Discharge.

XVIII. And be it further enacted, That it shall be lawful for the said Committee to pay to any Person, who, having been imprisoned in such Penitentiary, and discharged from thence either by His Majesty's most Gracious Pardon, or at the Termination of his or her Period of Confinement, shall produce to the said Committee, at the Expiration of One Year after such Discharge, such Evidence of his or her good Conduct during that Time as shall be satisfactory to the said Committee, any Sums of Money not exceeding Three Pounds, in addition to such Money and Clothing as shall have been given to such Person on his or her Discharge.

Punishment of Persons taking false Oaths under this Act.

XIX. And it is hereby further enacted, That if any Person taking an Oath under the Provisions of this Act shall wilfully forswear and perjure himself or herself in any such Oath, and shall be lawfully convicted thereof, he or she so offending shall suffer such Punishment

ment as by Law may be inflicted on Persons convicted of wilful and corrupt Perjury.

Powers of former Act to continue in force.

XX. And be it further enacted, That all the Powers, Provisions, and Regulations contained in the said Act of the Fifty-sixth Year aforesaid, and not hereby altered or repealed, shall continue in force, and shall extend and be applied to this Act, in as full and ample Manner as if the same had been hereby re-enacted.

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