

ANNO QUARTO

GEORGII IV. REGIS.

***

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act, the several Statutes and Acts, and Parts of Statutes and Acts following, shall be repealed, so far as relates to such Gaols or Prisons, or Houses of Correction, as this Act shall extend to; (that is to say), so much of a Statute passed in the First Year of the Reign of King *Edward* the Third, as relates to Inquiry to be made of Gaolers, which by Duress compel Prisoners to appeal; and also, so much of a Statute passed in the Fourth Year of the Reign of the said King *Edward* the Third, as relates to Sheriffs and Gaolers receiving Offenders without taking any thing; and also, so much of a Statute passed in the Fourteenth Year of the Reign of the said King *Edward* the Third, as relates to the Punishment of a Gaoler compelling a Prisoner by Duress to become an Approver; and also, so much of an Act passed in the Seventh Year of the Reign of King *James* the First, intituled *An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other lewd and idle Persons*, as relates to the providing Houses of Correction, to the Appointment, Authority, and Allowance of the Governor, and to his accounting to Justices for Persons committed to his Custody; and also, so much of an Act passed in the Nineteenth Year of the Reign of King *Charles* the Second, intituled *An Act for the Relief of poor Prisoners, and setting them to work*, as relates to the providing Stocks for setting such Prisoners to work, and to the Removal of Prisoners on occasion of Sickness; and also, so much of an Act passed in the Twenty-second and Twenty-third Years of the Reign of the said King *Charles* the Second, intituled *An Act for the Relief and Release of poor distressed Prisoners for Debt*, as relates to Prisoners being allowed to send for Victuals and other Necessaries, and to Fees and Charities, and to the Separation of Felons and Debtors; and also an Act passed in the Eleventh and Twelfth Years of the Reign of King *William* the Third, intituled *An Act to enable Justices of Peace to build and repair Gaols in their respective Counties*; any thing in an Act made in the Sixth Year of the Reign of King *George* the First, for making perpetual any Act or Acts relating to the building and repairing of County Gaols, to the contrary in anywise notwithstanding; and also, so much of an Act passed in the Second Year of the Reign of King *George* the Second, intituled *An Act for the Relief of Debtors, with respect to the Imprisonment of their Persons*; as relates to Prisoners being allowed by Keepers of Prisons and Gaols to send for Victuals and other Necessaries, and to the taking of Fees, and the making and hanging up Tables thereof, and to Inquiries concerning the same, and to the hearing of Complaints of Extortion against Gaolers, and examining into Gifts and Legacies for the Benefit of poor Prisoners, and hanging up Tables thereof; and also, so much of an Act passed in the Fourteenth Year of the Reign of the said King *George* the Second, intituled *An Act to supply some Defects in the Laws for repairing and rebuilding County Bridges, for repairing, enlarging, erecting, and providing Houses of Correction, and for passing Rogues and Vagabonds*, as relates to repairing, enlarging, and building Houses of Correction, and to buying Houses and Lands for that Purpose; and also, so much of an Act passed in the Sixteenth Year of the

Recited Acts in Part or in Whole, so far as relates to Prisons to which this Act shall extend, repealed.

1 E. 3. st. 1. c. 7.

4 E. 3. c. 10.

14 E. 3. st. 1. c. 10.

7 J. 1. c. 4.

19 C. 2. c. 4.

22 & 23 C. 2. c. 20.

11 & 12 W. 3. c. 19. (although made perpetual by 6 G. 1. c. 19.)

2 G. 2. c. 22.

14 G. 2. c. 33.

the Reign of the said King *George* the Second, intituled *An Act for the further Punishment of Persons who shall aid or assist Prisoners to attempt to escape out of lawful Custody*, as relates to the Escape of Prisoners from any Gaol or Prison to which this Act shall extend; and also, so much of an Act passed in the Seventeenth Year of the Reign of the said King *George* the Second, intituled *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction*, as relates to the erecting, enlarging, and managing of Houses of Correction, and the finding or turning out of Masters of them for Misbehaviour; and also, so much of an Act passed in the Twenty-fourth Year of the Reign of the said King *George* the Second (made among other Things for granting an additional Duty upon Spirituous Liquors, and upon Licences for retailing the same, and for repealing an Act of the Twentieth Year of King *George* the First, made among other Things for more effectually restraining the retailing of distilled Spirituous Liquors), as relates to the retailing of Spirituous Liquors in Gaols, Prisons, or Houses of Correction, to the carrying of Liquors into the same, to the Search for such Liquors, and to the hanging up of a Copy of certain Clauses of the said Act in such Gaols, Prisons, or Houses; and also, so much of an Act passed in the Thirty-second Year of the Reign of the said King *George* the Second, for Relief of Debtors, with respect to the Imprisonment of their Persons, as relates to Prisoners being allowed to send for Victuals and other Necessaries, and to the settling, signing, reviewing, enrolling, and hanging up of Tables of Fees, Rates, and Benefactions, and Rules for the Government of Gaols and Prisons; and also, an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for providing Clergymen to officiate in Gaols within that Part of* Great Britain *called* England; and also, an Act passed in the Fourteenth Year of the Reign of His said late Majesty, intituled *An Act for preserving the Health of Prisoners in Gaol, and preventing the Gaol Distemper*; and also, an Act passed in the Twenty-second Year of His said late Majesty's Reign, intituled *An Act for the amending and rendering more effectual the Laws in being relative to Houses of Correction*; and also, Two Acts passed in the Twenty-fourth Year of His said late Majesty's Reign, the one made to explain and amend the herein-before recited Act, made in the Eleventh and Twelfth Years of the Reign of King *William* the Third, and the other made to explain and amend the herein-before recited Act of the Twenty-second Year of the Reign of His said late Majesty King *George* the Third; and also, an Act passed in the Twenty-ninth Year of His said late Majesty's Reign, intituled *An Act for the more effectual Execution of the Laws respecting Gaols*; and also, an Act passed in the Thirty-first Year of His said late Majesty's Reign, intituled *An Act for the better regulating of Gaols and other Places of Confinement*, except only so much of the said Act as relate to the Imprisonment and Employment in Hard Labour in the Common Gaol of the County, of Prisoners sentenced to Transportation, or to whom the Royal Mercy shall be extended on Condition of Transportation; and also, an Act passed in the Fifty-fifth Year of His said late Majesty's Reign, for enlarging the Powers of the herein-before recited Acts of the Thirteenth and Twenty-second Years of His said

16 G. 2. c. 31.
17 G. 2. c. 5.
24 G. 2. c. 40.
32 G. 2. c. 28.
13 G. 3. c. 58.
14 G. 3. c. 59.
22 G. 3. c. 64.
24 G. 3. st. 2. cc. 54, 55.
29 G. 3. c. 67.
31 G. 3. c. 46.
55 G. 3. c. 48.

said late Majesty's Reign, for providing Clergymen to officiate in Gaols and Houses of Correction within *England* and *Wales*; 58 G. 3. c. 32. and also, an Act passed in the Fifty-eighth Year of His said late Majesty's Reign, to amend so much of the said Act of the Fifty-fifth Year of His said late Majesty's Reign, as relates to the Salaries of the Clergymen officiating as Chaplains in Houses of Correction; and the said several Statutes and Acts, and Parts of Statutes and Acts, are hereby repealed accordingly, and from and after the Commencement of this Act shall cease and determine, so far as relates to Gaols and Houses of Correction to which this Act shall extend; save and except so far as the said Acts, or any of them, repeal any former Act or Acts, or any Clause, Matter, or Thing therein; and also, save and except as to any Proceeding for the Punishment of any Person for any Offence which shall before the Commencement of this Act have been committed; and as to any Presentment before that Time made by any Justice of the Peace or Grand Jury; and as to any Appointment before that Time made by any Officer or other Person, to perform any Duties under the said recited Acts, or any of them; and as to any Rules and Regulations, Acts and Deeds, before that Time lawfully established, made, or done, under or by virtue of any One or more of the said Acts; and as to the Fulfilment of any Contracts or Agreements before that Time lawfully made, under or by virtue of the said recited Acts, or any of them.

Exception.

In each County, Riding, &c. and in each City, mentioned in Schedule (A.) annexed, there shall be One Gaol and One House of Correction.

This Act shall extend to such Gaols, and to the Prisons in London and Westminster.

II. And be it further enacted, That from and after the Commencement of this Act, there shall be maintained, at the Expence of every County in *England* and *Wales*, One Common Gaol, and at the Expence of every County not divided into Ridings or Divisions, and of every Riding or Division of a County (having several and distinct Commissions of the Peace, or several or distinct Rates in the Nature of County Rates, applicable by Law to the Maintenance of a Prison for such Division) in *England* and *Wales*, at least One House of Correction; and One Gaol and One House of Correction shall be maintained in the several Cities, Towns, and Places mentioned in the Schedule marked (A.) annexed to this Act; and the Regulations and Provisions contained in this Act shall extend, in manner herein-after mentioned, to every such Gaol and House of Correction maintained at the Expence of such County, Riding, Division, City, Town, or Place, and to the several Gaols and Houses of Correction in the Cities of *London* and *Westminster*.

Houses of Correction already established may be retained to be used for particular Classes of Prisoners.

III. Provided always, and be it enacted, That where there shall have been already established, and shall be existing at the Time of passing of this Act, in any County, Riding, Division, City, Town, or Place, one or more House or Houses of Correction, not sufficient or capable of being made sufficient for the extended Classification required by this Act, it shall be lawful for the Justices assembled at their General or Quarter Sessions, or the major Part of them, if they shall so think fit, to order and direct that, in Addition to the House of Correction herein-before directed to be maintained for the Purposes of this Act, one or more of such Houses of Correction as shall be so existing as aforesaid at the Time of the passing of this Act, shall be continued

continued and maintained for the Reception of One or more particular Class or Classes or Description or Descriptions of Prisoners, as may be prescribed by the Justices assembled at their General or Quarter Sessions as directed by this Act.

Justices in Sessions shall proceed to carry this Act into Effect;

IV. And be it further enacted, That at the *Michaelmas* General Quarter Sessions which shall be held in every County, Riding, or Division of a County in *England* and *Wales*, and in the several Districts, Cities, Towns, and Places to which this Act shall extend, next after the Commencement of this Act, and at any subsequent General or Quarter Sessions to be held from Time to Time, the Justices of the Peace there assembled shall proceed in carrying this Act into Effect; and such Justices shall, by Orders to be made for that Purpose, ascertain and declare to what Class or Classes of Prisoners every such Gaol, House or Houses of Correction, or any Part or Parts of any of them respectively, shall be applicable; and every such Order shall be signed by the Chairman of such Sessions, and shall be notified by the Clerks of the Peace to the several Justices of the Peace in every such County, Riding, or Division, District, City, Town, or Place respectively; and Notice thereof shall be inserted in Three of the Newspapers usually circulated in such County, Riding, or Division, or District, City, Town, or Place respectively, within Three Weeks after any such Order shall be made at any such Sessions; and a Copy thereof shall be served upon the Keeper of every Gaol or House of Correction within every such County, Riding, Division, City, District, Town, or Place; and after the making of such Order, and Service of such Copy thereof upon such Keeper as aforesaid, such Class or Classes of Prisoners as shall be specified in such Order, and no other, shall be committed to or detained in any such Gaol, House or Houses of Correction, or any Part of any of them respectively; and all Persons not coming within the Class or Description of Prisoners who may lawfully be committed to or detained in such Prison as shall be appointed by the Justices for the Confinement of One or more Class or Classes of Prisoners, may be removed to the Gaol or House of Correction of the County, Riding, or Division; and every such Gaol or House of Correction shall be deemed the legal Gaol, Prison, or Place of Confinement of every Person respectively committed to the same in pursuance of such Order as aforesaid; any thing in any Act or Acts, or any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that no Classification of Prisoners shall be made in any House of Correction appropriated to the Reception of any particular Class or Classes of Prisoners, which shall be in any way inconsistent with or contrary to the Classification directed by this Act.

and shall ascertain the Classes to be confined in the several Prisons.

Notice of the Order of Sessions to be given, and a Copy served on the Keeper of every Gaol, &c.

No Classification to be made in any House of Correction contrary to this Act.

Where House of Correction and Gaol are Parts of the same Building, or inclosed in the same Boundary Wall, and under the same Keeper

V. Provided always, and be it further enacted, That where, in any County, Riding, or Division of a County, or in any of the Cities, Towns, and Places named in the said Schedule (A.), any House of Correction shall be Part of the same Building, or inclosed in the same Boundary Wall as, or shall be contiguous to, the Common Gaol, and shall be under the Superintendence of the same Keeper, and the same Visiting Justices, it shall be lawful for the Justices of the Peace of the County, Division, City, Town, or Place, assembled at any General or Quarter Sessions, from Time to Time, with the

and Visiting Justices, the Classification in the whole of such Buildings, and not in each Part separately required by this Act, shall be carried into Effect.

Consent of the Sheriff of the County for the Time being, signified in Writing under his Hand, to proceed to carry into Effect the Classification and Separation directed by this Act in the whole of such united or contiguous Building or Buildings, instead of in each such House of Correction and Gaol, and to divide the whole of such Building, or united or contiguous Buildings, into such Number of Compartments for the Purpose of such Separation and Classification as would be required under the Regulations of this Act, if the same had been one distinct Gaol or House of Correction; and also at any General or Quarter Sessions from Time to Time, by their Order or Orders, and with such Consent of the Sheriff as aforesaid, to ascertain and declare what Part or Parts of the same Building, or united or contiguous Buildings, shall be considered as the Gaol, and what Part or Parts thereof respectively shall be considered as the House of Correction, and shall be appropriated to the Confinement of particular Classes and Descriptions of Prisoners, and to direct what Classes and Descriptions respectively shall be confined in each Part or Division of such Building, or united or contiguous Buildings; and all Persons to be committed to or detained in the respective Parts and Divisions so to be ascertained and appropriated of any such Building, or united or contiguous Buildings, to them respectively applicable, shall be deemed and held to be in legal Custody: Provided that Prisoners for Debt may be removed to and shall always be confined in the Part or Parts of such Building, or united or contiguous Buildings, which shall be so ascertained or be appropriated as and for the Gaol of the County, Division, City, Town, or Place; and such Removal shall not be deemed or taken to be an Escape.

Prisoners for Debt to be confined in that Part of the Building appropriated for the Gaol.

Persons removed to the Part of the Building declared to be the Gaol shall be deemed in Custody of the Sheriff, who shall cease to be answerable for Prisoners in any other Part of the Building.

VI. Provided always, and be it further enacted, That all Persons who in pursuance of any such Order shall be removed to, committed to, or detained in the Part of such united or contiguous Buildings which shall be so declared and ascertained aforesaid to be the Gaol, shall from thenceforth be deemed to be in the legal Custody of the Sheriff and of the Gaoler appointed by the Sheriff, in the same Manner as if such Person had been committed to the Common Gaol before the passing of this Act: Provided also, that the Sheriff shall not be answerable for the safe Custody of any Person who in pursuance of any such Order shall from Time to Time be removed to, committed to, or detained in any Part of such united or contiguous Buildings other than the Part so ascertained and declared to be the Gaol.

Rogues and Vagabonds shall be committed to the House of Correction and not to a Common Gaol.

VII. And whereas the Practice of committing Vagrants to Common Gaols has been attended with much Inconvenience to the Classification of Prisoners, and has prevented a Uniformity of Practice in the Management of Prisons; be it therefore enacted, That from and after the First Day of *September* One thousand eight hundred and twenty-four, in every County, Riding, or Division of a County in *England* and *Wales*, and in the several Districts, Cities, Towns, or Places to which this Act shall extend, all idle and disorderly Persons, Rogues and Vagabonds, incorrigible Rogues, and other Vagrants, shall be committed to some House of Correction belonging to such County, Riding, or Division, District, City, Town, or Place respectively; and that such House of Correction shall be deemed the only

legal Place of Commitment of any such Person in pursuance of any Conviction by lawful Authority; any thing in any Act contained to the contrary in anywise notwithstanding.

Power to Justices to commit to the House of Correction of the County, in Cases where the Person is apprehended in any District, &c. mentioned in the Schedule.

VIII. Provided also, and be it enacted, That in all Cases where any Person liable by Law to be committed to the House of Correction shall be apprehended within any District, City, Town, or Place mentioned in the Schedule to this Act annexed, and the Inhabitants of any such District, City, Town, or Place are or shall be contributory to the Support and Maintenance of the House or Houses of Correction of the County, Riding, or Division in which such District, City, Town, or Place is situate, it shall and may be lawful for the Justices of the Peace of such District, City, Town, or Place, to commit such Person to the House of Correction of the County, Riding, or Division in which such District, City, Town, or Place is situate; and every Person so committed shall and may be received, detained, dealt with, and ordered to be set and kept to Hard Labour or other Work, or conveyed and sent away or discharged, and be subject and liable to the same Correction and Punishment to all Intents and Purposes, as if committed by any Justice or Justices of the Peace of such County, Riding, or Division; and in such Case it shall not be necessary or required that any other House of Correction shall be built or maintained in or for such District, City, Town, or Place, and the Inhabitants of such District, City, Town, or Place shall not be compelled or compellable to the Payment of any Rate or Sum of Money whatever for the building or maintaining of any other House of Correction in or for such District, City, Town, or Place; any thing in this Act contained to the contrary in anywise notwithstanding.

Not necessary to build a House of Correction for any such District, &c.

Rights of Mayors, &c. having separate Jurisdictions not to be affected.

IX. Provided also, and be it enacted, That nothing in this Act contained shall extend to take away, lessen, vary, alter, or affect any Right, Privilege, or Franchise, which before the passing of this Act any Mayor, Bailiff, or Justice of the Peace for the Time being of any City, Town, or Liberty, having a separate Jurisdiction, had by means of any Grant, Charter, or special or local Act of Parliament, to commit Prisoners to the Gaol or House of Correction of any County, Riding, or Division.

Rules and Regulations to be observed in all Gaols.

X. And whereas it is fit and proper to secure an Uniformity of Practice in the Management of the several Prisons to which this Act shall extend; be it therefore further enacted, That the following Rules and Regulations shall be observed and carried into Effect in every such Prison in *England* and *Wales*, which shall be maintained by any County or Riding, or Division of a County as aforesaid, as a Gaol or House of Correction, and in the Gaol and House of Correction of every District, City, Town, or Place mentioned in the Schedule marked (A.) annexed to this Act, and in every united and contiguous Gaol and House of Correction which shall be jointly used in Manner aforesaid for the Purposes of this Act, and in every Prison authorized to be continued under this Act as aforesaid, in any County or Riding, or Division of a County, so far as such Rules may be applicable or can be applied to the particular Description or Class of Prisoners confined in such Prison:

First:

First:—The Keeper of every such Prison shall reside therein; he shall not be an Under Sheriff or Bailiff, nor shall be concerned in any Occupation or Trade whatsoever; no Keeper or Officer of a Prison shall sell, nor shall any Person in Trust for him or employed by him sell, or have any Benefit or Advantage from the Sale of any Article to any Prisoner, nor shall he, directly or indirectly, have any Interest in any Contract or Agreement for the Supply of the Prison.

Second:—A Matron shall be appointed in every Prison in which Female Prisoners shall be confined, who shall reside in the Prison; and it shall be the Duty of the Matron constantly to superintend the Female Prisoners.

Third:—The Keeper shall, as far as may be practicable, visit every Ward, and see every Prisoner, and inspect every Cell Once at least in every Twenty-four Hours; and when the Keeper, or any other Officer, shall visit the Female Prisoners, he shall be accompanied by the Matron, or in case of her unavoidable Absence, by some Female Officer of the Prison.

Fourth:—The Keeper shall keep a Journal, in which he shall record all Punishments inflicted by his Authority, or by that of the Visiting Justices, and the Day when such Punishments shall have taken place, and all other Occurrences of Importance within the Prison, in such Manner as shall be directed by the Regulations to be made under this Act; which Journal shall be laid before the Justices at every General or Quarter Sessions, to be signed by the Chairman, in Proof of the same having been there produced.

Fifth:—Due Provision shall be made in every Prison for the Enforcement of Hard Labour in the Cases of such Prisoners as may be sentenced thereto, and for the Employment of other Prisoners. The Means of Hard Labour shall be provided, and the Materials requisite for the Employment of Prisoners shall be purchased, under such Regulations as may be made for that Purpose by the Justices in General or Quarter Sessions assembled. If the Work to be performed by the Prisoners be of such a Nature as to require previous Instruction, proper Persons shall be appointed to afford the same.

Sixth:—The Male and Female Prisoners shall be confined in separate Buildings or Parts of the Prison, so as to prevent them from seeing, conversing, or holding any Intercourse with each other; and the Prisoners of each Sex shall be divided into distinct Classes, Care being taken that Prisoners of the following Classes do not intermix with each other: In Gaols—First, Debtors and Persons confined for Contempt of Court on Civil Process; Second, Prisoners convicted of Felony; Third, Prisoners convicted of Misdemeanors; Fourth, Prisoners committed on Charge or Suspicion of Felony; Fifth, Prisoners committed on Charge or Suspicion of Misdemeanors, or for want of Sureties: In Houses of Correction—First, Prisoners convicted of Felony; Second, Prisoners convicted of Misdemeanors; Third, Prisoners committed on Charge or Suspicion of Felony; Fourth, Prisoners committed on Charge or Suspicion of Misdemeanors; Fifth, Vagrants. Such Prisoners as are intended to be examined as Witnesses in behalf of the Crown in any Prosecution shall also be kept separate in all Gaols and Houses of Correction.

 Provided

Provided always, that nothing herein contained shall be construed to extend to prevent the Justices from authorizing, at their Discretion, the Employment of any Prisoner in the Performance of any menial Office within the Prison, or for the Purpose of instructing others; and provided also, that if the Keeper shall at any Time deem it improper or inexpedient for a Prisoner to associate with the other Prisoners of the Class to which he or she may belong, it shall be lawful for him to confine such Prisoner with any other Class or Description of Prisoners, or in any other Part of the Prison, until he can receive the Directions of a Visiting Justice thereon, to whom he shall apply with as little Delay as possible, and who in every such Instance shall ascertain whether the Reasons assigned by the Keeper warrant such Deviation from the established Rules, and shall give such Orders in Writing as he shall think fit, under the Circumstances of the particular Case.

Justices may authorize the Employment of Prisoners in menial Offices.

Power to the Keeper to confine a Prisoner with another Class till he receives the Directions of a Visiting Justice.

Seventh:—Female Prisoners shall in all Cases be attended by Female Officers.

Eighth:—Every Prisoner sentenced to Hard Labour shall, unless prevented by Sickness, be employed so many Hours in every Day, not exceeding Ten, exclusive of the Time allowed for Meals, as shall be directed by the Rules and Regulations to be made under this Act, except on *Sundays*, *Christmas Day*, and *Good Friday*, and on any Days appointed by public Authority for Fasting or Thanksgiving.

Ninth:—Prayers, to be selected from the Liturgy of the Church of *England* by the Chaplain, shall be read at least every Morning by the Chaplain, the Keeper, or by some other Person, as by the Rules and Regulations shall be directed; and Portions of the Scriptures shall be read to the Prisoners, when assembled for Instruction, by the Chaplain, or by such Person as he may appoint or authorize.

Tenth:—Provision shall be made in all Prisons for the Instruction of Prisoners of both Sexes in Reading and Writing, and that Instruction shall be afforded under such Rules and Regulations, and to such Extent, and to such Prisoners, as to the Visiting Justices may seem expedient.

Eleventh:—Prisoners under Charge or Conviction of any Crime shall attend Divine Service on *Sundays*, and on other Days when such Service is performed, unless prevented by Illness or by other reasonable Cause, to be allowed by the Keeper, or unless their Attendance shall be dispensed with by One of the Visiting Justices.

Twelfth:—No Prisoner shall be put in Irons by the Keeper of any Prison, except in case of urgent and absolute Necessity; and the Particulars of every such Case shall be forthwith entered in the Keeper's Journal, and Notice forthwith given thereof to One of the Visiting Justices; and the Keeper shall not continue the Use of Irons on any Prisoner longer than Four Days, without an Order in Writing from a Visiting Justice, specifying the Cause thereof; which Order shall be preserved by the Keeper, as his Warrant for the same.

Thirteenth:—Every Prisoner maintained at the Expence of any County, Riding, Division, City, Town, or Place, shall be allowed a sufficient Quantity of plain and wholesome Food, to be regulated by the Justices in General or Quarter Sessions assembled, Regard being had

had (so far as may relate to convicted Prisoners) to the Nature of the Labour required from or performed by such Prisoners, so that the Allowance of Food may be duly apportioned thereto. And it shall be lawful for the Justices to order for such Prisoners of every Description, as are not able to work, or being able cannot procure Employment sufficient to sustain themselves by their Industry, or who may not be otherwise provided for, such Allowance of Food, as the said Justices shall from Time to Time think necessary for the Support of Health. Prisoners under the Care of the Surgeon shall be allowed such Diet as he may direct. Care shall be taken that all Provisions supplied to the Prisoners be of proper Quality and Weight. Scales and legal Weights and Measures shall be provided, open to the Use of any Prisoners, under such Restrictions as shall be made by the Regulations of each Prison.

Fourteenth:—Prisoners who shall not receive any Allowance from the County, whether confined for Debt or before Trial, for any supposed Crime or Offence, shall be allowed to procure for themselves, and to receive at proper Hours, any Food, Bedding, Clothing, or other Necessaries, subject to a strict Examination, and under such Limitations and Restrictions, to be prescribed by the Regulations to be made in Manner directed by this Act, as may be reasonable and expedient, to prevent Extravagance and Luxury within the Walls of a Prison; all Articles of Clothing and Bedding shall be examined, in order that it may be ascertained that such Articles are not likely to communicate Infection or facilitate Escape.

Fifteenth:—No Prisoner who is confined under the Sentence of any Court, nor any Prisoners confined in pursuance of any Conviction before a Justice, shall receive any Food, Clothing, or Necessaries, other than the Gaol Allowance, except under such Regulations and Restrictions as to the Justices in General or Quarter Sessions assembled may appear expedient, with reference to the several Classes of Prisoners, or under special Circumstances, to be judged of by One or more of the Visiting Justices.

Sixteenth:—Due Provision shall be made for the Admission, at proper Times and under proper Restrictions, of Persons with whom Prisoners committed for Trial may desire to communicate; and such Rules and Regulations shall be made, by the Justices in General Quarter Sessions assembled, for the Admission of the Friends of convicted Prisoners, as to such Justices may seem expedient; and the Justices shall also impose such Restrictions upon the Communication and Correspondence of all such Prisoners with their Friends, either within or without the Walls of the Prison, as they shall judge necessary for the Maintenance of good Order and Discipline in such Prison.

Seventeenth:—The Surgeon shall examine every Prisoner who shall be brought into the Prison, before he or she shall be passed into the proper Ward: And no Prisoner shall be discharged from Prison if labouring under any acute or dangerous Distemper, nor until, in the Opinion of the Surgeon, such Discharge is safe, unless such Prisoner shall require to be discharged. The Wearing Apparel of every Prisoner shall be fumigated and purified, if requisite, after which the same shall be returned to him or her, or in case of the Insufficiency of such Clothing, then other sufficient Clothing shall

be furnished, according to the Rules and Regulations of the Prison; but no Prisoner before Trial shall be compelled to wear a Prison Dress, unless his or her own Clothes be deemed insufficient or improper, or necessary to be preserved for the Purposes of Justice; and no Prisoner who has not been convicted of Felony shall be liable to be clothed in a Party-coloured Dress; but if it be deemed expedient to have a Prison Dress for Prisoners not convicted of Felony, the same shall be plain.

Eighteenth:—Every Prisoner shall be provided with suitable Bedding; and every Male Prisoner with a separate Bed, Hammock, or Cot, either in a separate Cell, or in a Cell with not less than Two other Male Prisoners.

Nineteenth:—The Walls and Ceilings of the Wards, Cells, Rooms, and Passages used by the Prisoners throughout every Prison, shall be scraped and Lime-washed at least Once in the Year; the Day Rooms, Work Rooms, Passages, and Sleeping Cells shall be washed or cleansed Once a Week, or oftener if requisite. Convenient Places for the Prisoners to wash themselves shall be provided, with an adequate Allowance of Soap, Towels, and Combs.

Twentieth:—All Prisoners shall be allowed as much Air and Exercise as may be deemed proper for the Preservation of their Health.

Twenty-first:—No Tap shall be kept in any Prison; nor shall Spirituous Liquors of any Kind be admitted for the Use of any of the Prisoners therein, under any Pretence whatever, unless by a written Order of the Surgeon, specifying the Quantity and for whose Use. No Wine, Beer, Cider, or other fermented Liquors shall be admitted for the Use of any Prisoners, except in such Quantities, in such Manner, and at such Times, as shall be allowed by the Rules hereafter to be made in pursuance of this Act.

Twenty-second:—No Gaming shall be permitted in any Prison; and the Keeper shall seize and destroy all Dice, Cards, or other Instruments of Gaming.

Twenty-third:—No Money under the Name of Garnish shall be taken from any Prisoner on his or her Entrance into the Prison, under any Pretence whatever.

Twenty-fourth:—Upon the Death of a Prisoner, Notice thereof shall be given by the Keeper forthwith to One of the Visiting Justices, as well as to the Coroner of the District, and to the nearest Relative of the Deceased, where practicable.

No Prisoner to sit on an Inquest.

XI. And be it further enacted, That in case the Coroner shall hold an Inquest on the Body of any Prisoner who shall have died within the Prison, none of the Prisoners confined in that Prison shall be a Juror on such Inquest.

Court of Mayor and Aldermen, so far as respects City Prisons, and Five Justices in Sessions, may make further Regulations for Prisons.

XII. And be it further enacted, That it shall be lawful for the Court of Mayor and Aldermen of the City of *London*, so far as respects the Prisons within the said City and Liberties thereof, and for Five Justices of the Peace in General or Quarter Sessions assembled, of each County, Riding, or Division of a County, or of any District, City, Town, or Place to which this Act shall extend, so far as respects the Prisons within their respective Jurisdictions, to make

make such further and additional Rules for the Government of such Prisons respectively, and for the Duties to be performed by the Officers of the same, as to them may seem expedient; provided, that no such further or additional Rules shall be enforced, until the same shall have been submitted, in *London* and *Middlesex*, to the Two Chief Justices, and elsewhere to the Justices of Gaol Delivery or of Great Sessions respectively, at some Gaol Delivery or Great Sessions to be held after the making such Rules, and until such Chief Justice or Justices of Gaol Delivery or of Great Sessions respectively, shall have subscribed a Certificate or Declaration that they do not see any thing contrary to Law therein: Provided always, that all such Rules and Regulations shall be consistent with and conformable to the Rules and Regulations in this Act contained: And the Justices in General or Quarter Sessions assembled shall and they are hereby required from Time to Time to cause Copies of so much of the Rules of each Prison as relates to the Treatment and Conduct of Prisoners confined therein, to be printed in legible Characters, and to be fixed up in conspicuous Parts of every Prison, so that every Prisoner may be enabled to have Access thereto; and all Rules and Regulations made and approved pursuant to the Directions of this Act shall be binding upon the Sheriff and upon all other Persons; provided, that no such Rules shall be so construed as to interfere with the Right or Duty of the Sheriff to appoint or remove any Keeper of a County Gaol or other Prison subject to the Authority of such Sheriff.

In London and Middlesex Rules to be submitted to the Two Chief Justices, and elsewhere to the Justices of Gaol Delivery, &c.

Copies of Rules to be put up in Prisons.

Rules shall bind Sheriffs, except as to Appointment of Gaolers.

XIII. Provided always, and be it enacted, That all the Powers and Authorities given by this Act to Justices of the Peace in General or Quarter Sessions assembled, in the several Counties, and all other Acts to be done and performed by Justices of the Peace at any Sessions in pursuance of this Act, shall be exercised and performed, so far as regards the Prisons in the City of *London* and Liberties thereof, by the Court of Mayor and Aldermen of the said City, as heretofore has been accustomed, and not by the said Mayor and Aldermen as Magistrates at the General or Quarter Sessions of the Peace to be holden in and for the said City; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Powers of General or Quarter Sessions to be exercised in London by the Court of Mayor and Aldermen, as heretofore, &c.

XIV. And be it further enacted, That the Gaoler and Keeper of every Gaol and House of Correction, maintained at the Expence of any County, or of any such Riding or Division of a County as aforesaid, in *England* and *Wales*, or maintained by any District, City, Town, or Place specified in the Schedule to this Act annexed marked (A.), shall make a Report in Writing, of the actual State and Condition of every such Gaol and House of Correction, and of the Number and Description of Prisoners confined therein, to the Justices, at the several General or Quarter Sessions to be holden next after the Commencement of this Act, and at every ensuing General or Quarter Sessions in every such County, Riding, Division, District, City, Town, or Place; and shall at every such General or Quarter Sessions attend and give Answer, upon Oath, to all such Inquiries as shall be made by the Justices at such Sessions, with respect to the State and Condition of every such Gaol and House of Correction, and of the Prisoners confined therein, and with respect to

Gaolers shall attend Quarter Sessions next after Commencement of Act, and future Quarter Sessions, to report on actual State of Prisons, &c.

to any other Matters and Things relating to the said Gaol and House of Correction, respecting which such Justices shall deem it necessary to make any Inquiry for the Purpose of proceeding and continuing to carry this Act into Execution, and of ascertaining how far every such Gaol and House of Correction is capable of affording the Means of the Classification required by this Act.

Copies of Proceedings and Regulations of Justices, and Plans of Prisons to be transmitted to Secretary of State.

XV. And be it further enacted, That the Chairman of the *Michaelmas* Quarter Sessions of the Peace, which shall be held next after the Commencement of this Act, for every County, Riding, Division, District, City, Town, or Place to which this Act shall extend, shall transmit, within Fourteen Days after the Termination of such Session, to One of His Majesty's Principal Secretaries of State, a true and correct Account of their Proceedings at such Sessions for carrying this Act into Effect, and also a Copy of all such Rules and Regulations as shall be then in force for the Government of every Prison within the Jurisdiction of the Justices assembled at such Sessions, and shall also transmit at the same Time, or within Three Months afterwards, to such Secretary of State, Plans of all such Prisons, drawn upon a Scale of One-sixteenth of an Inch to a Foot; and the said Copies and Plans shall be carefully preserved in the Office of such Secretary of State; and the Chairman of every such succeeding *Michaelmas* Quarter Sessions shall transmit, within Fourteen Days after the Termination of such *Michaelmas* Quarter Sessions, a true and correct Copy of all such Additions to such Rules and Regulations, or Alterations made therein, as shall have been duly sanctioned since the preceding *Michaelmas* Quarter Sessions, together with Plans, on the Scale above mentioned, of any Additions to the Buildings of such Prison, or Alterations made in the Construction thereof, during the same Period.

Visiting Justices shall be appointed by Sessions.

XVI. And be it further enacted, That the Justices in every County, Riding, Division, District, City, Town, or Place, to which this Act shall extend, at the General or Quarter Sessions next after the Commencement of this Act, and at every ensuing General or Quarter Sessions, shall and they are hereby required to nominate Two or more Justices who shall consent thereto, to be Visitors of each Gaol and House of Correction within their Jurisdiction, and to report the Names and Places of Abode of such Visiting Justices to One of His Majesty's Principal Secretaries of State; and One or more of the Visiting Justices so appointed shall personally visit and inspect each Prison at least Three Times in each Quarter of a Year, and oftener if occasion shall require, and shall examine into the State of the Buildings, so as to form a Judgment as to the Repairs, Additions, or Alterations which may appear necessary, strict Regard being had to the Classification, Inspection, Instruction, Employment, or Hard Labour, required by this Act, and shall further examine into the Behaviour and Conduct of the respective Officers, and the Treatment, Behaviour, and Condition of the Prisoners, the Means of setting them to work, the Amount of their Earnings, and the Expences attending the Prison, and of all Abuses within the same, and in Matters of pressing Necessity, and within the Powers of their Commission as Justices, shall take Cognizance thereof, and proceed to regulate and redress the same;

Duties of such Visitors.

Visitors may recommend Offenders on account of good Conduct.

same; and if the said Visitors shall at any Time observe, or be satisfactorily informed of any extraordinary Diligence or Merit in any Prisoners under their Inspection, they shall report the same to the Justices of Peace for the County, Riding, Division, District, City, Town, or Place, at their next or any subsequent General or Quarter Session to be holden for the County or Place in which such Prison is situate, in order that such Justices may, if they shall think proper, recommend any such Offender to the Royal Mercy, in such Degree or upon such Terms as to them shall seem meet; and if His Majesty shall thereupon be graciously pleased to shorten the Duration of such Prisoner's Confinement, such Prisoner shall, upon his or her Discharge, together with necessary Clothing, receive such Sum of Money for his or her Subsistence, as the Visiting Justices for the Time being shall think proper; so as such Sum shall not exceed Twenty Shillings, nor be less than Five Shillings, in case such Offender shall have been confined for the Space of One Year, and so in Proportion for any shorter Term of Confinement; and such Sums of Money, as also the Expence of such Clothing, shall be paid out of the County Rate, or other Rate applicable to the Expences of Prisons.

Allowance on their Discharge.

Any Justice may visit the Prison, and report Abuses to the Sessions.

XVII. Provided always, and be it enacted, That it shall be lawful for any Justice of the Peace for any County, Riding, or Division, District, City, Town, or Place, at his own free Will and Pleasure, and without being appointed a Visitor, to enter into and examine any Prison of such County, Riding, Division, District, City, Town, or Place, at such Time or Times and so often as he shall see fit, and if he shall discover any Abuse or Abuses therein, he is hereby required to report them in Writing at the next General or Quarter Sessions of the Peace, or adjourned Sessions, which shall be holden for such County, Riding, or Division, District, City, Town or Place; and then and so often as a Report of any Abuse or Abuses in any such Prison shall be made by the Visiting Justices, or either of them, or by any other Justice of the Peace for such County, Riding, or Division, District, City, Town, or Place, the Abuse or Abuses so reported shall be taken into immediate Consideration by the Justices of the Peace for such County, Riding, or Division, District, City, Town, or Place, at the General or Quarter Sessions at which such Report shall be made; and they are hereby required to adopt the most effectual Measures for inquiring into and rectifying such Abuse or Abuses as soon as the Nature of the Case will allow.

How far this Power may extend where Prisoners are committed to close Confinement.

XVIII. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower any Visiting or other Justice of the Peace to converse or hold any Intercourse or Communication, except as herein-after mentioned, with any Person who may be committed by lawful Authority to any such Gaol or other Prison, there to be kept in safe and close Confinement; but that, nevertheless, it shall and may be lawful for any Visiting Justice, so appointed as aforesaid, to visit and inspect, at all Times when he shall think proper, the Apartment or Place in which such Person shall be kept or confined in any Prison, and also to see such Person, and to hear or receive any Representation from him or her as to his or her Treatment in such Prison, and to inquire

and

and examine into the same; any thing herein contained to the contrary thereof notwithstanding.

Returns to be made at the several Assizes by Keepers of Prisons of the Persons sentenced to Hard Labour.

XIX. And be it further enacted, That the Keeper of every Gaol and House of Correction, to which this Act shall extend, shall, previously to the First Day of every Assizes, Great Sessions, or Sessions of Gaol Delivery, make out a true and just Return in Writing of all Persons in his Custody who have been sentenced to Hard Labour by the Court at any previous Assizes, Great Sessions, or Sessions of Gaol Delivery, specifying in such Return the Manner in which such Sentences have been carried into Execution, the particular Species of Labour in which such Prisoners have been employed, and the average Number of Hours in a Day for which such Persons so sentenced have been kept to work; which Return shall be signed by such Keeper, and also by one at least of the Visiting Justices, who shall add thereto such Observations as the Case and Circumstances may appear to him to require; and such Return shall be delivered to the Justice of Assize and Gaol Delivery, and of Great Sessions, and shall be kept and filed by the proper Officer amongst the Records of the Court.

List of Prisoners tried for Felony to be transmitted to Secretary of State by the Keeper of every Prison.

XX. And be it further enacted, That the Keeper of every Prison within *England* and *Wales*, having the Custody of Prisoners charged with Felony, shall, on the Second Day next after the Termination of every Session of the Peace, Session of Oyer and Terminer, or Session of Gaol Delivery, Great Session, or other Session held for the Trial of Prisoners being in such Prison, whether such Session shall be held under any Commission, or by virtue of any Charter or Prescription, transmit by the Post of that Day to One of His Majesty's Principal Secretaries of State, a Calendar containing the Names, the Crimes, and the Sentences of every Prisoner tried at such Session, and distinguishing, with respect to all Prisoners capitally convicted, such of them as may have been reprieved by the Court, and stating the Day on which Execution is to be done upon those who have not been reprieved; and that whenever the Court shall adjourn for any longer Time than One Week, the Day upon which the Adjournment shall be made shall be deemed the Termination of the Session within the Meaning of this Act; and every Keeper of any such Prison, who shall neglect or refuse to transmit such Calendar, or shall wilfully transmit a Calendar containing any false or imperfect Statement, shall for every such Offence forfeit the Sum of Twenty Pounds. Penalty 20*l.*

Keeper shall deliver to Court of Quarter Sessions, a Certificate how far Rules have been observed.

XXI. And, for the better ensuring the strict Observance of the Rules and Regulations to be made for the Government of the Prisons to which this Act shall extend, be it enacted, That at each Quarter Sessions of the Peace, the Keeper of every Prison within the Jurisdiction of the Court holding such Session shall and is hereby required to deliver or cause to be delivered to such Court, a Certificate, signed by himself, which Certificate shall contain a Declaration how far the Rules laid down for the Government of his Prison have been complied with, and shall point out any and every Deviation therefrom which may have taken place; and if any Keeper of a Prison shall neglect to deliver, or cause to be delivered, such Certificate as aforesaid, he shall forfeit for every such Offence the Sum of Ten Pounds. Penalty 10*l.*

XXII. And

Keeper to make a Return as in Schedule (B.) to the Clerk of the Peace or his Deputy previous to every Michaelmas Quarter Sessions.

XXII. And be it further enacted, That One Week before the *Michaelmas* Session in every Year, the Keeper of every Prison to which this Act shall extend shall make up a Return of the State of his Prison for the Year then ending, in the Form contained in the Schedule annexed to this Act, marked (B.), and shall deliver the same, or cause the same to be delivered, to the Clerk of the Peace, or his Deputy, for the Use of the Justices assembled at such Quarter Session.

Visiting Magistrates to report the State of the Gaol to Quarter Sessions.

XXIII. And be it further enacted, That at every General or Quarter Sessions, the Visiting Justices shall make a Report in Writing of the State and Condition of each Prison within their Jurisdiction, of what Repairs, Additions, or Alterations shall have been made or may be required, and of any Abuse or Abuses which they may have observed, or of which they may have received Information, in the Management of the Prison, as well as of the general State of the Prisoners, as to Morals, Discipline, Employment, and Hard Labour, and Observance of Rules; and the Justices assembled at such Sessions shall proceed to consider every such Report, and to act forthwith as they may see Occasion.

A General Report to be forwarded annually to the Secretary of State to be laid before Parliament.

XXIV. And be it further enacted, That a General Report, founded on the Report of the Visiting Justices, on the Report of the Chaplain or Chaplains, and on the Certificates of the Keepers of the several Prisons, shall be prepared by the Clerk of the Peace, and submitted to the Justices assembled at every *Michaelmas* Quarter Sessions; and when approved by the Justices at such Sessions, such Report shall be signed by the Chairman of such Sessions, and shall be by him transmitted (together with a Copy of the Schedule (B.) delivered by the Gaoler) to One of His Majesty's Principal Secretaries of State; a Copy of which Report, with the said Schedule attached to it, shall be laid before both Houses of Parliament, within One Month next ensuing, if Parliament shall be sitting, or within One Month after the Time when Parliament shall next sit.

Justices may appoint Keepers and other Officers.

XXV. And be it further enacted, That it shall and may be lawful for the Justices assembled at the General or Quarter Sessions, and they are hereby empowered and required, to nominate and appoint such Keepers, Matrons, Taskmasters, Schoolmasters, and other Officers, as to them may seem expedient, for every Prison within their Jurisdiction to which this Act shall extend, except the Keeper of the Common Gaol; and to remove, as Occasion may require, all Officers so by them nominated and appointed: Provided always, that no Woman shall be Keeper of any Prison in which Male Prisoners are confined.

Keeper of the Gaol excepted.

Justices to fix Salaries of Keepers, &c.

XXVI. And be it further enacted, That it shall and may be lawful for the Justices assembled at the General or Quarter Sessions, and they are hereby empowered, to fix Salaries and Allowances, to such Amount, and subject to such Conditions as to them shall seem meet, for the Keeper of the Common Gaol, and for every Keeper, Matron, Taskmaster, Schoolmaster, and Officer of each Gaol and House of Correction within their Jurisdiction; and to order such Salaries, and the Expence of such Allowances, to be paid out of the Rate lawfully applicable thereto; and the Salaries and Allowances so fixed, to alter, reduce, augment, suspend, or stop from Time to Time,

as

as Occasion shall require: And in case any Gaoler or Keeper of any Prison shall, from confirmed Sickness, Age, or Infirmity, become incapable of executing the Office in Person, the Justices of the Peace at any General or Quarter Sessions of the County, Riding, Division, District, City, Town, or Place respectively, shall take the Circumstances of the Case into their Consideration; and if such Justices shall deem it expedient, they are hereby empowered to grant to such Gaoler or Keeper such an Annuity as they in their Discretion shall think proportioned to the Merits and Time of his Service, and may order the Payment thereof out of the Rates lawfully applicable to the building or repairing of such Gaols and Prisons: Provided always, that the annual Amount paid by way of Superannuation or Allowance to any retired Keeper of any Prison, shall not exceed the Amount of Two-thirds of the Salary fixed for the succeeding Keeper of such Prison.

Gaoler may be superannuated, and allowed a Pension.

XXVII. And be it further enacted, That whenever the Keeper or any other Officer of any Common Gaol or other Prison to which this Act shall extend, shall be removed from or resign his or her Office, or shall depart this Life, every Keeper or other Officer so removed or resigning, and his or her Family, and the Family of every such deceased Keeper or other Officer, shall forthwith quit the Possession of the House or Apartments in which he, she, or they shall have previously resided by virtue of such Office; and that if any Keeper or other Officer so removed or resigning, or any Members of the Family of any Keeper or other Officer so removed, resigning, or departing this Life, shall refuse or neglect to quit such Possession for Forty-eight Hours after Notice given to him, her, or them, in Writing, by the Under-Sheriff, or other Officer appointed by the Sheriff, in case the House or Apartments of which Possession shall be required shall be in the Common Gaol, and by the Clerk of the Peace in case such House or Apartments shall be in any House of Correction, any Two Justices, upon Proof made before them of such Removal, Resignation, or Death, and of the Service of such Notice, and of such Neglect or Refusal to comply therewith, may, by Warrant under their Hands and Seals, direct the Sheriff of the County, or other Officer having the Return of Writs, to eject such Keeper, or the Family of such Keeper, out of such House or Apartments, and the Sheriff or such other Officer shall accordingly clear the Possession thereof in like Manner as upon a Writ of *Habere facias Possessionem*.

When Keeper or other Officer shall be removed or resign, &c. Two Justices may direct the Sheriff to eject them from Apartments in the Prison.

XXVIII. And be it further enacted, That the Justices assembled in General or Quarter Sessions shall and they are hereby required from Time to Time to nominate for each Prison within their Jurisdiction, to which this Act shall extend, a Clergyman of the Church of *England* to be Chaplain thereof; and the said Justices may, if it seem to them expedient, nominate the same Clergyman to be and officiate as Chaplain to any Two Prisons situate within a convenient Distance from each other; and the said Justices are hereby authorized to appoint a Salary to be paid to the Clergyman so nominated Chaplain as aforesaid, out of the County Rate, or Rate lawfully applicable to the Maintenance of such Prisons; and the Amount of Salary shall be

Justices may appoint a Clergyman to each Prison.

His Salary.

regulated in the following Manner; *videlicet*, where the Chaplain shall be appointed to One Prison only, and the Number of Prisoners, including Debtors, which the said Prison is calculated to receive does not exceed Fifty, then the Salary to be paid to him shall not be more than One hundred and fifty Pounds; where the Chaplain shall be appointed to One Prison only, and the Number of Prisoners, including Debtors, which the said Prison is calculated to receive does not exceed One hundred, then the Salary shall not be more than Two hundred Pounds; where the Chaplain shall be appointed to One Prison only, calculated to contain more than One hundred Prisoners, including Debtors, the Salary shall not be more than Two hundred and fifty Pounds; and where the Chaplain shall be appointed to One Prison only, calculated to contain more than Two hundred, or where the Chaplain shall be appointed to Two Prisons, whatever the Number of Prisoners such Two Prisons may be calculated to contain, it shall be lawful for the Justices to appoint the Salary at their Discretion, with reference to the Duties to be performed: Provided also, that when any Two or more Prisons shall be under the Custody of one and the same Keeper, they shall be considered as one Prison, with reference to the Duties and Salary of the Chaplain: Provided also, that in case of Sickness or necessary Engagement, the Chaplain shall appoint a Clergyman to be his Substitute for the Occasion, such Substitute being approved of by the Visiting Justices; and the Name and Residence of such Substitute shall be specified in the Chaplain's Journal.

Where Two Prisons have One Keeper, they shall be considered as one with respect to the Duties and Salary of the Chaplain.

Clergyman not to officiate till licensed by the Bishop.

XXIX. And be it further enacted, That no Clergyman so nominated shall officiate in any Prison until he shall have obtained a Licence for that Purpose from the Bishop of the Diocese wherein the Prison is situate, nor for any longer Time than while such Licence shall continue in force; and Notice of every such Nomination shall, within One Month after it shall take place, be transmitted to the Bishop by the Clerk of the Peace or Town Clerk.

Duties of Chaplains.

XXX. And be it further enacted, That every such Chaplain shall on every *Sunday*, and on *Christmas Day* and *Good Friday*, perform the appointed Morning and Evening Services of the Church of *England*, and preach at such Time or Times between the Hours of Nine and Five of the Day, as shall be required by the Rules and Regulations to be made as directed by this Act; and shall catechise or instruct such Prisoners as may be willing to receive Instruction; and shall likewise visit the Prison on such other Days, and perform such other Duties as shall be required by the Rules and Regulations to be made as directed by this Act; and shall administer the Holy Sacrament of the Lord's Supper to such Prisoners as shall be desirous, and as such Chaplain may deem to be in a proper Frame of Mind to receive the same; and such Chaplain shall also frequently visit every Room and Cell in the Prison occupied by Prisoners, and shall direct such Books to be distributed and read, and such Lessons to be taught in such Prison, as he may deem proper for the religious and moral Instruction of the Prisoners therein; and he shall visit those who are in solitary Confinement; and it shall be his particular Duty to afford his spiritual Assistance

ance to all Persons under Warrant or Order for Execution; and he shall have free Access to all Persons convicted of Murder, any Law, Statute, or Usage to the contrary notwithstanding; except to such Persons as shall be of a religious Persuasion different from that of the Established Church, who shall have made a Request that a Minister of such Persuasion shall be allowed to visit them; and every such Chaplain shall communicate from Time to Time to the Visiting Justices any Abuse or Impropriety which may have come to his Knowledge; and he shall further keep a Journal, in which he shall enter the Times of his Attendance on the Performance of his Duty, with any Observations which may occur to him in the Execution thereof, and such Journal shall be kept in the Prison, but shall regularly be laid before the Justices for their Inspection at every Quarter Sessions, and shall be signed by the Chairman of the Sessions, in proof of the same having been there produced; and if it shall appear to the Justices in General or Quarter Sessions assembled, that any Chaplain is incompetent to the due Performance of his Duties, or is unfit to be continued in his Office, or shall have refused or wilfully neglected to perform the Duties required of him by the Rules and Regulations to be made as directed by this Act, they are hereby empowered to remove him from such Office.

Journal to be kept by them.

XXXI. And be it further enacted, That if any Prisoner shall be of a religious Persuasion differing from that of the Established Church, a Minister of such Persuasion, at the special Request of such Prisoner, shall be allowed to visit him or her at proper and reasonable Times, under such Restrictions imposed by the Visiting Justices as shall guard against the Introduction of improper Persons, and as shall prevent improper Communications.

Ministers allowed to visit other Prisoners, under certain Restrictions.

XXXII. And be it enacted, That in case any Chaplain shall from confirmed Sickness, Age, or Infirmity, become incapable of executing the Office in Person, the Justices of the Peace, at any General or Quarter Sessions of the County, Riding, Division, District, City, Town, or Place respectively, shall take the Circumstances of the Case into their Consideration; and if such Justices shall deem it expedient, they are hereby empowered to grant to such Chaplain such Annuity as they in their Discretion shall think proportionate to the Merits and Time of his Services, and may order the Payment out of the Rates lawfully applicable to the building and repairing such Gaols and Prisons: Provided always, that the Amount so paid by way of Superannuation or Allowance to any retired Chaplain of any one Prison, shall not exceed the Amount of Two Thirds of the Salary fixed for the succeeding Chaplain of such Prison.

Power to Quarter Sessions to grant Annuity to any Chaplain incapable, from Infirmity, of executing his Office.

XXXIII. And be it further enacted, That the Justices in General or Quarter Sessions assembled shall and they are hereby required from Time to Time to appoint a Surgeon, being a Member of one of the Royal Colleges of Surgeons, to each of the Prisons within their Jurisdiction to which this Act shall extend; and every such Surgeon shall and is hereby required to visit every Prison to which he shall be so appointed Twice at least in every Week, and oftener if necessary, and to see every Prisoner confined therein, whether Criminal or Debtor, and to report to every General or Quarter Sessions the Condition

Appointment of Surgeons.

dition of the Prison, and the State of Health of the Prisoners under his Care; and he shall further keep a Journal, in which he shall enter the Date of every Attendance on the Performance of his Duty, with any Observations which may occur to him in the Execution thereof, and shall sign the same with his Name; and such Journal shall be kept in the Prison, but shall regularly be laid before the Justices for their Inspection at every Quarter Sessions, and shall be signed by the Chairman of the Sessions, in proof of the same having been there produced; and it shall and may be lawful for the Justices, at every General or Quarter Sessions after such Appointment, to direct a reasonable Sum to be paid as Salary to such Surgeon, and also such Sums of Money as shall be due for Medicines, and other Articles for the Sick.

Journal to be kept by them.

Book to be kept in which Visits of Chaplain, &c. shall be entered.

XXXIV. And be it further enacted, That from and after the Commencement of this Act, there shall be kept in every Prison to which this Act shall extend, a Book, in which the Chaplain and every other Officer of the said Prisons not residing within such Prisons, but attending on or required to attend on such Prison, shall regularly insert the Date of every Visit made by such Chaplain or other such Officer respectively; and every such Entry shall be signed with the Name and in the proper Handwriting of such Chaplain or other Officer respectively, and shall contain such Remarks as may be thought necessary on the Occasion of any such Visit; and every Keeper of every such Prison shall be responsible for the safe Custody of such Book, whole, unmutilated, and unaltered, and shall at all Times, when required so to do, produce such Book for Inspection to the Justices at every General or Quarter Sessions, and to the Visiting Justices, or to any Justice of the Peace for the County, Riding, Division, District, City, Town, or Place wherein such Prison shall be situate; and the Chaplain shall, on every *Michaelmas* Quarter Sessions, deliver to the Justices a Statement of the Condition of the Prisoners and his Observations thereupon.

In what manner Bequests and Benefactions may be applied.

XXXV. And whereas Provision is made in this Act for supplying poor Prisoners with Food and Clothing: And whereas Bequests have been made, and Benefactions have been given, for supplying such poor criminal Prisoners with these Necessaries; be it therefore enacted, That it shall and may be lawful for the Justices in General or Quarter Sessions assembled, to apply such Bequests or Benefactions for the Benefit of such poor Prisoners, either by providing them with the Implements of Labour, or with the Means of returning to their own Homes, or in such Manner as to the Magistrates may appear expedient.

Chief Justices, &c. to examine into Gifts for Prisoners.

XXXVI. And be it further enacted, That the Chief Justices of the Courts of King's Bench and Common Pleas, and the Chief Baron of the Court of Exchequer, or any One of them, together with the Lord Mayor and Two of the Aldermen, or with Three of the Aldermen of the City of *London*, for and in respect of the Gaols and Prisons within the City of *London* and the Liberties thereof, and the said Chief Justices or Chief Baron, or any One of them, with Three Justices of the Peace of the Counties of *Middlesex* and *Surrey* respectively,

ively, for and in respect of the Gaols and Prisons in the Counties of *Middlesex* and *Surrey*, and the Justices of Gaol Delivery and Great Sessions, and the Justices of Peace of every other County, Riding, and Division of a County, at any General or Quarter Session of the Peace to be holden for such County, Riding, or Division respectively, in their respective Jurisdictions, and all Commissioners for charitable Uses, shall do their best Endeavours and Diligence to examine and discover the several Gifts, Legacies, and Bequests bestowed and given for the Benefit and Advantages of the poor Prisoners in the several Gaols and Prisons to which this Act shall extend, and to send for any Deeds, Wills, Writings, and Books of Account whatsoever, and any Persons concerned therein, and to examine them upon Oath to make true Discovery thereof (and which such Chief Justices, Chief Barons, Justices of Gaol Delivery and Great Sessions, Mayor, Aldermen, and Justices of the Peace, have hereby full Power and Authority to do), and to order and settle the Payment, Recovery, and Receipt of all such Gifts, Legacies, and Bequests, when so discovered and ascertained, in such easy and expeditious Manner, that the Prisoners for the future may not be defrauded, but receive the full Benefit thereof, according to the true Intent of the Donors, or the Provisions of this Act; and that Lists or Tables of such Gifts, Legacies, and Bequests, for the Benefit of the Prisoners in every Gaol or Prison respectively, fairly written, shall be registered by the Clerks of the Peace of the respective Counties and Places in the Rolls of their respective Sessions, without Fee or Reward, and Copies thereof shall be hung up in such Gaols and Prisons respectively, in some open Room or Place, to which the Prisoners may have Resort as Occasion shall require.

Lists of Gifts to be registered by the Clerks of the Peace, and hung up in Gaols.

XXXVII. And whereas Persons are often committed to Prison for Trial, who are willing to be employed in such Work or Labour as can be conveniently executed or done in the Prison to which they are so committed, and it is fit that such Persons should be so employed rather than that they should be obliged to remain idle during their Confinement; be it therefore enacted, That it shall and may be lawful for any One or more Visiting Justice or Justices of any Prison to which this Act shall extend, to authorize, by an Order in Writing, the Employment of any such Prisoners, with their own Consent, in any such Work or Labour; and it shall be lawful for the Keeper of such Prison to employ such Prisoner in such Work or Labour accordingly, and to pay to such Prisoners any such Wages or Portion of the same, and at such Periods, as shall be directed by such Justice or Justices: Provided always, that it shall not be lawful to place together, on account of such Employment, any Prisoners who would otherwise be kept separate under the Provisions of this Act.

In what Cases Persons committed for Trial may be employed in Work.

Not to place together in Work any Prisoners who should be kept separate.

XXXVIII. And whereas Persons convicted of Offences are frequently sentenced to Imprisonment without being sentenced to Hard Labour; be it therefore enacted, That it shall be lawful for Two or more Visiting Justices of any Prison, to order that all such Persons confined in such Prison, in pursuance of any Sentence or Conviction, except such Prisoners as shall maintain themselves, shall be set to some Work or Labour not severe: And it is hereby declared, that no such Prisoner, who shall be of Ability to earn, and who shall have the Means

Justices may employ Prisoners.

Where there is Ability to earn, no

Claim for Support from the County.

of earning or of otherwise providing for his own Subsistence, shall have any Claim to be supported at the Expence of the County, Riding, or Division, or by the Sheriff or the Keeper of the Prison; provided that when such Ability shall cease by reason of Sickness, Infirmity, the want of sufficient Work, or from any other Cause, every such Person shall, during the Continuance of his Inability, receive such Provision and Support as shall be directed for other convicted Prisoners in the same Prison; and the Keeper of every such Prison shall keep an Account of the Work done by every Prisoner so set to work as aforesaid, and shall account to such Prisoner for so much of the net Profits which such Prisoner shall have earned, or for such daily or other Allowance for the Work and Labour done by such Prisoner, as shall be directed either by the Rules and Regulations of such Prison, or in case of no Provision being made on this Head by those Rules and Regulations, then for such Part of the said net Profits, or for such daily or other Allowance as shall be directed by the Visiting Justices, and shall pay the Amount of all Accumulations of such Allowance to such Prisoner at his or her Discharge.

Account of Work done to be kept by the Keeper.

Allowance to be made for the Work done.

For supplying to Prisoners discharged from Prison the Means of returning to their Home, &c.

XXXIX. And whereas it is desirable that Prisoners discharged from Prison should be supplied with the Means of returning to their Families, or to their Place of Settlement, or to some Place of Employment, where they may be engaged in a Life of honest Labour for their Maintenance, and prevented from pursuing evil Courses; be it therefore enacted, That it shall and may be lawful for any One or more of the Visiting Justice or Justices of any Prison to which this Act shall extend, from whence any Prisoner shall be discharged, to direct that such moderate Sum of Money shall be given and paid to any and every such Prisoner so discharged, who shall not have the Means of returning to his or her Family or Place of Settlement, or resorting to any Place of Employment or honest Occupation, as in the Judgment of such Justice or Justices shall be requisite and necessary for such Purpose, under all the Circumstances attending the Case of any such Prisoner; and that such Sum of Money shall be paid by the Keeper of such Prison to or for the Use of such Prisoner, for the Purpose aforesaid; and that all such Sums shall be provided for, either out of such Bequests or Benefactions as aforesaid, or in such Manner as is by this Act directed with respect to the Expence of the Support and Maintenance of the Prisoners in such Prisons respectively.

Punishment for carrying Spirituous Liquors into Prisons.

XL. And be it further enacted, That if any Person, in Contravention of the existing Rules, shall carry or bring, or attempt or endeavour to carry or bring into any Prison to which this Act shall extend, any Spirituous or Fermented Liquor, it shall be lawful for the Gaoler, Keeper, Turnkey, or any other of the Assistants to the said Gaoler or Keeper, to apprehend or cause to be apprehended such Offender, and to carry him or her before a Justice of the Peace (who is hereby empowered to hear and determine such Offence in a summary Way), and if he shall lawfully convict such Person of such Offence, he shall forthwith commit such Offender to the Common Gaol or House of Correction, there to be kept in Custody for any Time not exceeding Three Months, without Bail or Mainprize, unless such Offender shall immediately pay down such Sum of Money, not

exceeding Twenty Pounds, and not less than Ten Pounds, as the Justice shall impose upon such Offender to be paid, One Moiety to the Informer, and the other Moiety in Aid of the Rate applicable to the Maintenance of such Prison; and if any Justice shall receive Information upon Oath, that any Spirituous or Fermented Liquor is unlawfully kept or disposed of in any Prison, he may enter and search, or issue his Warrant to enter and search for such Liquor; and in case it shall be found, it shall be lawful for the Person so finding to seize the same, and cause it to be disposed of as the Justice shall direct; and if any Gaoler or Keeper of any Prison shall sell, use, lend, or give away, or knowingly permit or suffer to be sold, used, lent, or given away, in such Prison, or brought into the same, any Spirituous or Fermented Liquor, in Contravention of the existing Rules of such Prison, he shall for every such Offence, over and above any other Punishment by this Act enacted, forfeit and lose the Sum of Twenty Pounds.

Penalty on Gaoler permitting the Sale of such Spirits.

XLI. And be it further enacted, That the Keeper of every Prison shall have Power to hear all Complaints touching any of the following Offences; (that is to say), Disobedience of any of the Rules of the Prison; Assaults by one Person confined in such Prison upon another, when no dangerous Wound or Bruise is given; profane Cursing and Swearing; any indecent Behaviour, and any irreverent Behaviour at Chapel, all of which are declared to be Offences by this Act, if committed by any Description of Prisoners; Absence from Chapel without Leave; Idleness or Negligence in work, or wilful Mismanagement of it, which are also declared to be Offences by this Act, if committed by any Prisoner under Charge or Conviction of any Crime; and the said Keeper may examine any Persons touching such Offences, and may determine thereupon, and may punish all such Offences by ordering any Offender to close Confinement in the refractory or solitary Cells, and by keeping such Offenders upon Bread and Water only, for any Term not exceeding Three Days.

Power of the Keeper of a Prison to punish certain Offences.

XLII. And be it further enacted, That in case any Criminal Prisoner shall be guilty of any repeated Offence against the Rules of the Prison, or shall be guilty of any greater Offence than the Gaoler or Keeper is by this Act empowered to punish, the said Gaoler or Keeper shall forthwith report the same to the Visiting Justices, or One of them for the Time being; and any One such Justice, or any other Justice acting in and for the County, or Riding or Division of a County, or for the District, City, Town, or Place to which such Prison belongs, shall have Power to inquire upon Oath, and to determine concerning any such Matter so reported to him or them, and to order the Offender to be punished by close Confinement for any Term not exceeding One Month, or by personal Correction in the case of Prisoners convicted of Felony, or sentenced to Hard Labour.

Further Punishment of refractory Prisoners by Visiting Justices, &c.

XLIII. And be it further enacted, That if any Person shall convey or cause to be conveyed into any Prison to which this Act shall extend, any Mask, Vizor or other Disguise, or any Instrument or Arms proper to facilitate the Escape of any Prisoners, and the same shall deliver or cause to be delivered to any Prisoner in such Prison, or to any other Person

Conveying Vizors, &c. into Prisons to assist Prisoners to escape.

Person there, for the Use of any such Prisoner, without the Consent or Privity of the Keeper of such Prison, every such Person shall be deemed to have delivered such Vizor or Disguise, Instrument or Arms, with Intent to aid and assist such Prisoner to escape or attempt to escape; and if any Person shall, by any Means whatever, aid and assist any Prisoner to escape or in attempting to escape from any Prison, every Person so offending, whether an Escape be actually made or not, shall be guilty of Felony, and being convicted thereof, shall be transported beyond the Seas for any Term not exceeding Fourteen Years.

Transportation for assisting Prisoners to escape.

Method of Trial and Conviction of Offenders making Escapes, &c.

XLIV. And, to the Intent that Prosecutions for Escapes, Breaches of Prison, and Rescues, may be carried on with as little Trouble and Expence as is possible, be it enacted, That any Offender escaping, breaking Prison, or being rescued therefrom, may be tried either in the Jurisdiction where the Offence was committed, or in that where he or she shall be apprehended and retaken; and in case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison, or Rescue, either against the Offender escaping or attempting to escape, or having broken Prison, or having been rescued, or against any other Person or Persons concerned therein, or aiding, abetting, or assisting the same, a Certificate given by the Clerk of Assize, or other Clerk of the Court in which such Offender shall have been convicted, shall, together with due Proof of the Identity of the Person, be sufficient Evidence to the Court and Jury of the Nature and Fact of the Conviction, and of the Species and Period of Confinement to which such Person was sentenced.

On Report or Presentment of Insufficiency of Prisons, Justices may contract for enlarging, building, or repairing the same.

XLV. And be it further enacted, That in case it shall appear at any Time to the Justices at any General or Quarter Sessions of the Peace, holden in any County or Riding, or in any such Division of a County as aforesaid, or in any District, City, Town, or Place to which this Act shall extend, by any Report made under the Provisions of this Act, of the State of any Prison, to such Justices at such Sessions, or by any Presentment at any Time made by the Grand Jury at the Assizes, Great Session, Session of Gaol Delivery, or Session of the Peace, to be holden for any such County, Riding, Division, District, City, Town, or Place, or by any Presentment at any Time made by any Two or more Justices of the Peace in and for the same, and laid before the Justices at such General or Quarter Sessions of the Peace, that any Gaol, or House of Correction, to which this Act shall extend, within such County, Riding, Division, District, City, Town, or Place, is insufficient, inconvenient, or in want of Repair, or otherwise inadequate to give Effect to the Rules and Regulations prescribed by this Act, or that there is a Necessity for the Erection of any new Gaol or House of Correction; the Justices assembled at such General or Quarter Sessions, or at the General or Quarter Sessions, or Adjournment thereof, next after any such Report or Presentment made, shall and they are hereby required to cause Notice to be given, Three Times at least, in some public Newspaper circulating within such County, Riding, Division, District, City, Town, or Place, of such Report or Presentment having been laid before such Sessions,

Justices shall give Notice in some Newspaper of the County, &c.

and of their Intention to take the same into Consideration at the next ensuing or some subsequent General or Quarter Sessions, or Adjournment thereof; and in case the Justices at such last-mentioned Sessions, or the major Part of them, shall resolve that such Report or Presentment is well founded, then it shall and may be lawful for such Justices, and they are hereby required, at the Sessions mentioned in such Notice, or at a subsequent Sessions, or Adjournment thereof, with the like Notice, to take such Measures, either by Contract or otherwise, as shall appear to them to be requisite and proper, for the altering, enlarging, or repairing, or for building or rebuilding any such Gaol or House of Correction, regard being had, in the case of Contracts, to the Reasonableness of the Price and Responsibility of the Contractors; and every Contractor shall give sufficient Security for the due Performance of his Contract to the Clerk of the Peace or Town Clerk for the County, Riding, Division, District, City, Town, or Place, to be inspected at all reasonable Times by any Justices, or by any other Person contributing to the Rate of such County, Riding, Division, District, City, Town, or Place, without Fee or Reward.

Justices may purchase Houses, &c. for the Purpose of building or enlarging any Prison.

XLVI. And be it further enacted, That after such Presentment and Notice as aforesaid, it shall and may be lawful for the Justices in General or Quarter Sessions assembled, or the major Part of them, and they shall have full Power and Authority, to purchase any Houses, Buildings, Lands, Tenements, Hereditaments, Ways, Watercourses, and other Easements, for the Purpose of enlarging or rendering commodious, or for the building or rebuilding any Prison, and to direct the Property so purchased to be conveyed to such Person or Persons as the said Justices shall think fit, in trust for the Purpose aforesaid, under the Regulations and Directions in this Act contained; and such Houses, Buildings, Lands, Tenements, Hereditaments, Ways, Watercourses, or other Easements, shall, when enclosed and added to such Prison, be deemed and taken to be Parts of such Prison, and to be within the County, Riding, Division, City, District, Town, or Place, to the Use of which such Prison may be applied, to all Intents and Purposes whatever, so long as the same shall be used by such County, Riding, Division, City, District, Town, or Place for the Purpose of this Act, and no longer.

If Prison becomes unsafe or inconvenient, Two Justices may order Repairs, and shall report to the Sessions.

XLVII. Provided also, and be it further enacted, That if it shall at any Time happen, that any such Gaol or House of Correction shall become unsafe or unfit for the Custody of the Prisoners confined therein, between the several Times of holding the General or Quarter Sessions, it shall and may be lawful for any Two or more Justices (one of whom shall be a Visiting Justice for the Prison) for the County, Riding, Division, District, City, Town, or Place, to order such Repairs and Alterations to be immediately done and made, as may be necessary and sufficient for the safe and proper Custody of such Prisoners and the upholding of such Prison; and such Justices shall report the same to the next Court of General or Quarter Sessions to be holden for such County, Riding, Division, District, City, Town, or Place; and such Court is hereby authorized to order the Payment of such Sum or Sums of Money as shall

have been properly expended in such Repairs or Alterations as aforesaid.

Gaols, though locally situate out of the County, &c. shall be deemed Part of the County, &c. and subject to the Jurisdiction of the Justices of the County, &c.

XLVIII. And be it further enacted, That every Gaol, House of Correction, or other Prison, for any County, Riding, or Division, County of a City, or County of a Town, or for any Town, Liberty, Soke, or Place, not being a County, but having an exclusive Jurisdiction for the Trial of Felonies or Misdemeanors committed therein, which is now built or shall hereafter be built, together with the Ground whereon the same shall stand, and every Court, Yard, Building, and Appurtenance thereunto belonging, with every Addition that shall hereafter be made thereto, which said Gaol, House of Correction, or other Prison, Court, Yard, Building, Appurtenance or Addition, is or shall be situate within the Limits of any other County, Riding, or Division, County of a City, County of a Town, or of any other Town, Liberty, Soke, or Place, not being a County, but having an exclusive Jurisdiction for the Trial of Felonies or Misdemeanors committed therein, shall be deemed and taken to be Part of the County, Riding, or Division, County of a City, County of a Town, or of the Town, Liberty, Soke, or Place for which the same shall be used as a Gaol, House of Correction, or other Prison, so long as the same shall be so used, and no longer; and the Justices of the Peace, Mayors, Jurats, Coroners, Constables, and other Officers of such County, Riding, or Division, County of a City, County of a Town, or of such Town, Liberty, Soke, or Place, for which the same shall be used as a Gaol, House of Correction, or other Prison, shall, during the Time that the same shall be so used, have as full Power and Authority therein, as they would have if the same was not situate within the Limits of such other County, Riding, or Division, County of a City, County of a Town, or of such Town, Liberty, Soke, or Place; any Charter, Law, or Usage to the contrary thereof in anywise notwithstanding.

Plans for Prisons shall be such as to provide separate Places of Confinement, Classification, &c.

XLIX. And be it further enacted, That in the altering, enlarging, repairing, building, or rebuilding of any Gaol or House of Correction under this Act, the Justices shall adopt such Plans as shall afford the most effectual Means for the Security, Classification, Health, Inspection, Employment, and Religious and Moral Instruction of the Prisoners; the Building shall be so constructed or applied, and the Keepers and Officers Apartments so situated, as may best ensure the Safety of the Prison, and facilitate the Controul and Superintendence of those committed thereto; distinct Wards, and dry and airy Cells shall be provided, in which Prisoners of the several Descriptions and Classes herein-after enumerated may be respectively confined; and it shall be considered as a primary and invariable Rule, that the Male Prisoners shall in all Cases be separated from the Female, so as to prevent any Communication between them: Provision shall be made for the Separation of Prisoners into the following Classes; If a Gaol; First, Debtors, and Persons confined for Contempt of Court on Civil Process; Secondly, Prisoners convicted of Felony; Thirdly, Those convicted upon Trial of Misdemeanors; Fourthly, Those committed on Charge or Suspicion of Felony; Fifthly, Those committed on Charge of Misdemeanors, or for Want of Sureties: If a House of Correction; First, Prisoners convicted of Felony; Secondly, Prisoners convicted

victed upon Trial of Misdemeanors; Thirdly, Those committed on Charge or Suspicion of Felony; Fourthly, Those committed on Charge of Misdemeanors; Fifthly, Vagrants: Places of Confinement shall also be set apart in every Gaol and House of Correction for such Prisoners as are intended to be examined as Witnesses in behalf of the Crown in any Prosecutions, and such further Means of Classification shall be adopted as the Justices shall deem conducive to good Order and Discipline; separate Rooms shall be provided as Infirmaries or Sick Wards for the Two Sexes, and as far as is practicable for the different Description of Prisoners; and warm and cold Baths, or Bathing Tubs, shall be introduced into such Parts of the Prison as may be best adapted for the Use of the several Classes; proper Yards shall be allotted to the different Classes for Air and Exercise, and each Class shall have the Use of a Privy, and be furnished with a Supply of good Water; a separate sleeping Cell shall, if possible, be provided for every Prisoner; but as the Numbers may sometimes be greater than the Prison is calculated to contain, under the Arrangement required by this Act, and as it is expedient that Two Male Prisoners only should never be lodged together, a small Proportion of Cells or Rooms shall be provided for the Reception of Three or more Persons; every Prison shall contain Rooms and Places properly fitted up for the Exercise of Labour and Industry, and also a competent Number of Cells adapted to solitary Confinement, for the Punishment of refractory Prisoners, and for the Reception of such Persons as may by Law be confined therein; a Chapel shall be provided in every Prison, in such a convenient Situation as to be easy of Access to all the Prisoners; it shall be fitted up with separate Divisions for Males and Females, and also for the different Classes; it shall be strictly set apart for Religious Worship, or for the occasional Religious and Moral Instructions of the Prisoners, and shall never be appropriated to or employed for any other Purpose whatsoever; in Cases where the Justices shall deem it necessary that the Chaplain should reside, either occasionally or permanently, within the Prison or near to it, proper Apartments shall be provided therein, or in the Neighbourhood thereof, for his Accommodation.

Justices may remove the Site of Prisons, upon express Presentment that the old Site was unfit and inconvenient.

L. And be it further enacted, That in case it shall be expressly presented that the Place wherein any old Prison is situated is improper, and that the Prison ought to be removed to some other Part of the County, Riding, Division, District, City, Town, or Place, or that a new Gaol or House of Correction is necessary, the Justices in their General or Quarter Sessions assembled shall take such Presentment into their Consideration, and if it shall be resolved by the Justices assembled at Two successive General or Quarter Sessions, or the major Part of them, that such old Prison ought to be removed, or that such new Prison is necessary, it shall be lawful for the Justices so assembled to contract for the building of a new Gaol or House of Correction in any Part of the County, Riding, Division, District, City, Town, or Place which they may deem most eligible; and whenever the Site of any Prison shall be changed, and the old Site shall be no longer necessary for the Purpose of a Prison, it shall be lawful for the Justices so assembled to make Sale thereof, (unless it be the Property of the King's Majesty, His Heirs and Successors, or of some

some private Individual), for the best Price that can be gotten for the same, and to direct the Purchase Money to be paid to the Treasurer of such County, Riding, Division, District, City, Town, or Place, and to direct the Trustee of such Lands and Hereditaments, his Heirs, Executors, or Administrators, (according to the Tenure thereof), and the Clerk of the Peace or Town Clerk, to convey the Inheritance of such Site to the Purchaser; and every such Conveyance, together with the Treasurer's Receipt for the Purchase Money, shall give a good and valid Title to the Purchaser; and the Purchase Money shall be applied by the Treasurer in Aid of the Rate of such County, Riding, Division, District, City, Town, or Place; and whenever the Building of any Court of Justice is or shall be so attached to any Prison, as to render it impracticable or inconvenient to repair, enlarge, improve, or rebuild the said Prison, without also altering or pulling down the Building of the said Court, then and in such Cases it shall be lawful for the Justices in General or Quarter Sessions assembled, to cause such Courts to be altered or pulled down, or to be rebuilt, either on the same or on any other Site, subject to the same Provisions as are by this Act appointed with respect to Gaols.

Where any Courts of Justice are attached to Prisons, they may be altered, &c.

LI. And be it further enacted, That whenever the Justices in General or Quarter Sessions assembled shall deem it necessary that the Prisoners, or any Part of them, shall be removed from any House of Correction within their Jurisdiction, in order that the same may be repaired, improved, enlarged, or rebuilt, or on account of any contagious or infectious Disease therein, or of the over-crowded State of such House of Correction, or for any of the Purposes of this Act, it shall and may be lawful for the said Justices, by an Order in Writing to be signed by the Chairman of such General or Quarter Sessions, to direct the Keeper of such House of Correction to remove such Prisoners to such other Prison or Place of Confinement within their Jurisdiction as the said Justices shall appoint, and to confine such Prisoners therein during the Time such Necessity shall exist; and that when such House of Correction shall be repaired, enlarged, improved, or rebuilt, it shall be lawful for the said Justices, by a like Order in Writing, to direct the said Keeper to remove to the House of Correction so repaired, enlarged, improved, or rebuilt; or when such contagious Disease shall have ceased to exist, or the Purposes for which the Prisoners shall have been so removed shall have been answered, to remove back to the House of Correction from whence the Prisoners came all such Prisoners as shall then remain in his Custody; and that if for any of the Causes above recited, the said Justices so assembled as aforesaid shall deem it necessary to remove the Debtors and other Prisoners from any Common Gaol, the said Justices shall give due and sufficient Notice thereof in Writing to the Sheriff of such County, Riding, Division, City, or Town, whereupon it shall be lawful for the said Sheriff to remove such Debtors and other Prisoners to such Prison or other Place of Confinement within his Jurisdiction as the Justices with the Consent of the said Sheriff shall appoint, and to confine them therein during the Time such Common Gaol shall be repairing, enlarging, improving, or rebuilding,

Justices in Session may remove Prisoners in case of want of Repair of Prison, or of contagious Disease, and back again when the Cause is removed.

In case of County Gaols, Notice to be given to Sheriff, who shall remove such Prisoners.

rebuilding, or during the Continuance of such contagious Disease on account of which the said Prisoners were removed, or during such Time as shall be requisite for any Purposes of this Act; and that when such Gaol shall be made fit for the Reception and safe keeping of such Debtors and other Prisoners, then it shall be lawful for the said Sheriff to remove thither all such Prisoners as shall then be in his Custody; and further, if a new Common Gaol shall be erected, or a Prison previously used for other Purposes shall be adapted to the Use of a Common Gaol, and the Justices in General or Quarter Sessions assembled shall, with the Consent of the Sheriff, order and declare that from a Day to be named such new Gaol, or Prison newly adapted to such Purpose, shall become the Common Gaol, it shall be lawful for the Sheriff on that Day, or at any Time thereafter, to remove all Prisoners in his Custody to the last-mentioned Gaol or Prison.

In Cases where immediate Removal of Prisoners is necessary, Visiting Justices empowered to order the same.

LII. And be it further enacted, That whenever any contagious Disease or other Emergency shall render necessary the immediate Removal of the Prisoners, or any of them, confined in any Gaol or House of Correction, and that previous thereto it shall be impossible to obtain for such Purpose the Order of the Justices in General or Quarter Sessions assembled, it shall and may be lawful for the Visiting Justices of such Prison, and they are hereby empowered to issue an Order under their Hands and Seals to the Keeper of every such Prison to remove such Prisoners, or any of them, to such other Prison or other Place of Confinement within their Jurisdiction as shall be specified in such Order.

Order of such Visiting Justices shall be laid before Sessions.

In such Removals from County Gaols Sheriff's Consent necessary, and no such Removal to be deemed an Escape.

LIII. Provided always, and be it enacted, That every such Removal shall be subject to all such Restrictions as to its Duration as is hereby required and directed, and that every such Order of Visiting Justices shall be laid before the Justices assembled at the General or Quarter Sessions of the Peace which shall be held next after such Order shall have been made: Provided also, that the Prisoners confined in any Common Gaol of any County, City, Town, or Place, shall not be removed without the Consent of the Sheriff of such County, City, Town, or Place: Provided also, that no Removal, made under the Authority of this Act, shall be deemed or taken to be an Escape; and that nothing herein contained shall extend to discharge the Sheriff or other Officer from being answerable for the actual Escape of any Prisoner in his Custody.

When Amount of Estimate for building, &c. exceeds One Half of the annual County Rate, such County Rate may be mortgaged.

LIV. And be it further enacted, That when it shall appear that the Amount of any Estimate approved by the Justices, for the building or rebuilding, repairing or enlarging any Gaol or House of Correction, under the Powers of this Act, shall exceed One-half of the Amount of the ordinary annual Assessment for the Rate of any County or Riding, or of any such Division of a County as aforesaid, or of any District, City, Town, or Place, (such ordinary Assessment to be taken on an Average of such Rate for the last Seven Years preceding), it shall and may be lawful for the Justices, in Quarter Sessions assembled, from Time to Time to borrow and take up on Mortgage of such Rate, by Instrument in the Form contained in the Schedule to this Act annexed marked (C.), or to the like Effect, any Sum of Money not exceeding the Amount of such Estimate, in Sums not less than

Fifty Pounds, nor exceeding One hundred Pounds each, at Interest, as to the said Justices shall appear necessary and expedient for the Purposes aforesaid, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate; and it shall and may be lawful for the Justices so assembled, and they are hereby authorized to treat and agree with any Person for the Loan of any such Sums of Money, and by their Order to confirm every such Agreement; and every such Agreement, signed by the Chairman and Two or more other Justices present at the Time of making such Order, shall be and the same is hereby declared to be effectual for securing to the Person so advancing any such Sum of Money every such Sum, with Interest for the same, on such Terms as in and by such Agreement shall be stipulated; and Copies or Extracts of all such Agreements shall be kept with the Clerk of the Peace; and it shall and may be lawful for every Person who shall be entitled to the Money thereby secured, and such Person is hereby empowered (by indorsing his Name on the Back of such Security) to transfer the same, and his Right to the Principal Money and Interest thereby secured, unto any other Person; and every such Assignee may in like Manner transfer the same again, and so *toties quoties;* and the Person to whom such Security or any such Assignment thereof shall be made, and his Executors, Administrators, and Assigns, shall be Creditors upon the said Rate in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced.

Justices may charge County Rates, so as the Money borrowed be repaid in 14 Years, with Interest.

LV. And be it further enacted, That the said Justices shall and they are hereby authorized and required to charge the Rate to be raised upon such County, Riding, Division, District, City, Town, or Place, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as shall ensure the Payment of the Whole of the Sum borrowed within Fourteen Years from the Time of borrowing the same; and such Sums shall be assessed on the County, Riding, Division, District, City, Town or Place, in such Manner as County Rates are directed to be assessed by the Laws now in being, and paid and applied under the Direction of the Justices, in Discharge of the Interest, and of so many of the principal Sums on the said Securities, as such Money will extend to discharge in each Year, until the Whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the Justices are required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments, under the Authority of this Act, in a Book or Books, separate and apart from other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing due, and what principal Money has been discharged, and what remains due; and the Book or Books so adjusted and settled to deliver into Court at every General or Quarter Sessions to be held for such County, Riding, Division, District, City, Town, or Place; and the Justices shall and they are required, at every such Sessions, carefully to inspect all such Accounts, and to make Orders for

Books to be kept of Receipts and Payments.

for carrying the several Purposes of this Act into Execution, in such Manner as to them shall seem meet; and if at any Time it shall appear to the Justices, that the Person so appointed has neglected such Order, and has not duly, and without Delay, applied the Money in his Hands to the Purposes hereby directed, such Person shall forfeit Half the Amount of the Money which shall not have been applied to the Purposes of this Act; and the Justices so assembled in Sessions as aforesaid shall direct in what Order such Securities shall be discharged, by drawing Lots or otherwise, as they shall think fit, taking care to discharge in the first Place all such Securities as shall bear the highest Rate of Interest.

Bodies Politic, &c. empowered to sell and convey Lands.

LVI. And be it further enacted, That it shall and may be lawful for the King's most Excellent Majesty, His 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 such Person as shall be named by the Justices at General or Quarter Sessions, in trust and for the Purpose of erecting new Prisons, or of enlarging old ones, and 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; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Where Crown Lands are necessary, Treasury may convey the same.

LVII. And be it further enacted, That whenever any Lands or Hereditaments of the King's Majesty shall be requisite, and shall be contracted for, to be used for the Purposes aforesaid, the same, if held by the King's Majesty, His Heirs or Successors, in the Right of His or their Royal Crown, shall and may be legally conveyed by an Instrument, under the Hands and Seals of the Lord High Treasurer, or of the Commissioners of His Majesty's Treasury, or of any Three of them, and if Parcel of the Duchy of *Lancaster*, by an Instrument under the Hand and Seal of the Chancellor of the same Duchy, and if Parcel of the Duchy of *Cornwall*, by an Instrument under the Hands and Seals of the Officers of the same Duchy, authorized to grant Leases under an Act of the last Session of Parliament, intituled *An Act to enable His Majesty to make Leases, Copies and Grants of Offices, Lands, and Hereditaments, Parcel of the Duchy of* Cornwall, *or annexed to the same*, or any Two of such Officers. 3 G. 4. c. 78.

If Parties refuse to treat, &c. Value of Premises to be settled by a Jury.

LVIII. And be it further enacted, That whenever any such Corporation, Guardian, Committee, Trustee, or Attorney, or other Person interested in any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, contiguous to any Gaol or House of Correction, which shall be deemed necessary for the Purposes of enlarging or rendering more commodious any such Gaol or

House

House of Correction, upon Notice in Writing to him, her, or them given, or left at the Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Corporation, shall, for the Space of Twenty-one Days after such Notice so given or left, neglect or refuse to treat, or shall refuse to accept such Price as shall be offered by the Justices or their Agent, or shall otherwise not agree for the Sale of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges; and whenever by reason of Absence or Incapacity any Person shall be prevented from treating for such Sale, then and in every such Case the Justices at the General or Quarter Sessions next after the Termination of such Twenty-one Days, or at an Adjournment thereof, shall and they are hereby required to cause Notice to be given Three Times at least in some public Newspaper circulating within such County, Riding, Division, District, City, Town, or Place, of their Intention to take into Consideration, at the next ensuing or some subsequent or General Quarter Sessions, or Adjournment thereof, the Matter of such Neglect, Refusal, or Omission, or Prevention to treat, or to accept of such Price offered, or to agree for such Sale as aforesaid, and the Causes and Reasons thereof respectively; and the Person or Persons, or some Officer of any Corporation so interested as aforesaid, in any such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, or some Person on their Behalf respectively, shall have Liberty to attend such Meeting, if they shall think fit, and to state to the Justices there assembled their Reasons for such Neglect, Refusal, or Omission as aforesaid; and in case the Justices at such last-mentioned Sessions, or the major Part of them, shall, after hearing what the Parties interested as aforesaid, or their Agents, have to alledge in behalf of their respective Interests, and upon due Consideration had of such Matter as aforesaid, resolve to proceed to the Valuation and Purchase of such Lands, Tenements, Hereditaments, Easements, or Privileges, notwithstanding such Neglect, Refusal, or Omission, or Prevention as aforesaid, then and in every such Case the Justices at such Sessions, or any Two or more of them appointed for that Purpose, shall cause the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, to be inquired into and ascertained by a Jury of indifferent Men of the County, Riding, Division, District, City, Town, or Place, wherein the same shall be situate, and to that End shall summon before such Jury, and examine upon Oath (which Oath any One of the Justices is hereby empowered to administer) any Person or Persons whomsoever; and such Justices, or any Two of them, shall, by ordering a View or otherwise, use all Ways and Means for the Information of themselves and of such Jury in the Premises; and when such Jury shall have inquired of and ascertained by their Verdict the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, the said Justices shall thereupon order that the Sum which shall so appear to be the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, and Privileges, shall be paid in such Manner as is herein-before directed touching the Money to be paid for such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, for Sale whereof the Persons interested shall contract

and

and agree in Manner aforesaid; which Verdict and Order shall be filed of Record by the Clerk of the Peace, or other Officer having the Custody of the Records of the County, Riding, Division, District, City, Town, or Place, and shall be final and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Lunatics, Idiots, and Persons under Coverture, or any other Disability whatsoever, Corporations, Guardians, Committees, Husbands, Trustees, and Attornies, or any other Person or Persons whomsoever.

How Jury to be summoned and chosen.

LIX. And be it further enacted, That for the summoning and returning such Juries, such Justices, or any Two of them, may issue their Warrant to the Sheriff or Officer having the returning of Writs within the County, Riding, Division, District, City, Town, or Place within the Limits of which the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges shall be situate, requiring him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve on Juries, to appear before the said Justices, or any Two of them, at such Time and Place as in such Warrant shall be appointed; and such Sheriff or Officer is hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the Justices, or any Two of them, shall and they are hereby empowered and required to draw by Ballot, and to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff or Officer shall take such other honest and indifferent Men of the By-standers, or that can speedily be procured to attend that Service, as shall make up the Number Twelve; and all Persons concerned shall have their lawful Challenges against any of the Persons impannelled when they come to be sworn; and the said Justices, or any Two of them, shall have Power to impose a Fine or Fines on such Sheriff or Officer, or his Deputy or Deputies, making such Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect his or their Duty therein; and also on any Person who, being summoned and required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn or to give Evidence, so that no such Fine be more than Ten Pounds nor less than Twenty Shillings on any One Person for One Offence.

Fines may be imposed for Neglect of Duty.

Expences of Jury, &c. how defrayed.

LX. And be it further enacted, That in case any Jury shall deliver a Verdict for more Money as the Value of the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so to be purchased, than shall have been offered for the Purchase thereof by the Justices or their Agent, to any Person capable of contracting for the same, the Costs and Expences of summoning and maintaining the

Jury and Witnesses shall be borne and paid out of the same Fund as the Expences of the Buildings to be erected; but if such Jury shall deliver a Verdict for no more or for less Money than the Money which shall have been so offered by such Justices or their Agent, then the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Person or Persons with whom such Controversy or Dispute, touching the Value of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, shall arise: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid out of the same Fund as the Expences of the Buildings to be erected.

Conveyance to be made on Payment of Purchase Money.

LXI. And be it further enacted, That upon Payment of such Sum and Sums of Money so to be ascertained and judged (that is to say) first in or towards the Payment and Discharge of any Sums due on Charges, Incumbrances, and Liens, if any, affecting the several Estates respectively, and then to the Owners of the said Estates respectively, if any shall remain for that Purpose, the Person or Persons who shall be so found and adjudged to be the Owners of the said several Estates, of and in the said Houses, Buildings, Lands, Tenements, or Hereditaments, Easements or Privileges respectively, and also the Owners of any such Incumbrances, Charges, and Liens respectively, shall make and execute, or procure to be made and executed to the Person or Persons so named by such Justices, and his or their Heirs, a good and sufficient Conveyance or Conveyances, thereby granting, releasing, or assigning to them the said Houses, Buildings, Lands, Tenements, or Hereditaments, Easements or Privileges, and all such Estate, Right, Title, Term, or Interest therein, or Charge, Incumbrance, or Lien thereon; and immediately upon such Payments, and Entry of such Verdicts of the said Juries, and Judgments, Sentences, and Decrees, Orders, and other Proceedings as aforesaid, the said Lands, Houses, Buildings, and Premises shall vest in the Person or Persons to be so named by the said Justices, and his and their Heirs, and he and they shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises, in Possession, Remainder, Reversion, or Expectancy, or any Charge, Incumbrance, or Lien thereon, was of full Age and of sound Mind and Memory, and had actually and duly conveyed the same to such Trustee by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery and Seisin, Fine and Recovery, or by any other legal Conveyance whatsoever.

Application of Compensation when exceeding 200*l.*

LXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Justices of the Peace for the

the County of , to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so employed, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation is less than 200*l.* but not less than 20*l.*

LXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or

or Persons making such Option, and approved of by the said Justices (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Money is less than 20*l.*

LXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, so purchased, taken, or used for the Purposes of this Act, in such Manner as the Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, Purchase Money to be paid into the Bank in the Name of the Accountant General in Chancery.

LXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, to be purchased by this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Justices; or in case such Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, be not known or discovered; then and in every such Case it shall and may be lawful to and for the said Justices to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Persons interested in the said Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

LXVI. Pro-

Where any Question shall arise touching the Title to the Money paid into the Bank.

LXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, or of any Estate, Right, or Interest in any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid.

LXVII. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporations entitled to any Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Justices, out of any Monies to be received for the Purposes of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of the Execution of this Act to be charged upon the County Rates.

LXVIII. And, in order to defray the Expences of the several Matters and Things herein-before directed to be done, respecting Gaols, Houses of Correction, and other Prisons, and for the Support and Maintenance of Prisoners confined therein, who are entitled by Law to such Support, and for all other Expences necessary to the Execution of this Act, and not herein-before particularly provided for; be it further enacted, That it shall and may be lawful for the Justices, at their General or Quarter Sessions assembled, and they are hereby authorized and empowered, to cause such Sums of Money as shall be necessary for all or any of those Purposes, to be raised on the Counties, Ridings, Divisions, Districts, Cities, Towns, or Places to which this Act shall extend, in the same Manner as Rates applicable to the building,

ing, repairing, or maintenance of such Prisons respectively, are now directed to be raised by Law.

How Fines and Penalties shall be recovered and applied.

LXIX. And be it further enacted, That all Fines, Forfeitures, and Penalties imposed by this Act, or which shall be imposed by virtue of any Rule to be made in pursuance thereof, shall, on Conviction of the Offender before any One Justice of the Peace within his Jurisdiction, be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice of the Peace, who is hereby authorized to hear and examine Witnesses on Oath or Affirmation, on any Complaint, and to determine the same; and all such Fines, Forfeitures, and Penalties, the Application whereof is not herein-before particularly directed, shall be paid from Time to Time to the Treasurer of the County, Riding, Division, District, City, Town, or Place for the Time being, and shall be applied and disposed of in aid of the Rate applicable to the Purposes of this Act, and to or for no other Use or Purpose whatsoever; and for want of sufficient Distress, the Offender shall be committed to the Common Gaol or House of Correction, for such Term not exceeding Six Calendar Months, nor less than One Month, as such Justice shall think proper.

Form of Conviction.

LXX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *videlicet*,

'BE it remembered, That on in the Year of our Lord *A. B.* is convicted before me, *C. D.*, One of His Majesty's Justices of the Peace for the of for that the said *A.B.* [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*], and the said *A.B.* is for his said Offence adjudged by me, the said Justice, to forfeit and pay the Sum of or to be imprisoned in for the Space of [*as the Case shall be*]. Given under my Hand and Seal, the Day and Year first above mentioned.'

Appeal to Quarter Sessions.

LXXI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Conviction of any Justice, in pursuance of this Act, such Person may appeal to the Justices of the Peace at any Quarter Sessions of the County, Riding, Division, District, City, Town, or Place wherein such Conviction shall have taken place, within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten clear Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Justice or Justices before whom the Conviction shall have been had, and to the Clerk of the Peace for the County, Riding, or Division, District, City, Town, or Place, in which such Conviction shall have been had, and within Two Days after such Notice entering into

into Recognizance before some Justice for such County, Riding, or Division, District, City, Town, or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Session; and the Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Session shall be final, binding, and conclusive, to all Intents and Purposes.

Conviction not to be quashed for want of Form.

LXXII. And be it further enacted, That no Order made touching any of the Matters in this Act contained, nor any Conviction of any Offender against this Act, shall be quashed for want of Form, or be removed or removable by *Certiorari*, by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Fine, Penalty, or Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall such Party be deemed a Trespasser *ab initio*, on account of any Irregularity which shall be afterwards done by the Party distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall have been made by or on behalf of the Party distraining before such Action brought.

Persons sued for any thing done in pursuance of this Act may plead the General Issue.

LXXIII. And be it further enacted, That if any Suit or Action shall be prosecuted against any Person for any thing done in pursuance of this Act, such Person may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by Authority of this Act; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue his or her Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover Double Costs, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

Officers required to perform certain Duties.

LXXIV. And be it further enacted, That all Matters and Things which by this Act the Sheriff of any County is required or authorized to do and perform, shall, in those Districts, Cities, Towns, Liberties, or Places where the Sheriff hath no Jurisdiction, be done and performed by the Bailiff or Bailiffs, or other like Officer or Officers, having or exercising within their respective Districts, Cities, Towns, and Liberties,

Liberties, Duties analogous to the Duties of the Sheriff of a County; and that all Matters and Things which by this Act the Treasurer of any County is required or authorized to do and perform, shall, in those Places where the County Treasurer hath no Authority, be done and performed by the Officer or Officers having and exercising within such Places Duties analogous to those of a County Treasurer; and that all Matters and Things which by this Act the Clerk of the Peace of any County, Riding, or Division is required or authorized to do and perform, shall, in those Places where the Clerk of the Peace of the County hath no Authority, be done and performed by the Town Clerk or other like Officer having and exercising within such Places Duties analogous to those of the Clerk of the Peace of any County.

Venue to be laid in the County where the Fact is committed.

LXXV. And be it further enacted, That all Actions, Suits, and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act, shall be laid and tried in the County where the Facts were committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise.

Not to extend to certain Prisons, &c.

LXXVI. And be it further enacted, That nothing in this Act contained shall extend to the Royal Hospital of *Bethlehem* and Prison of *Bridewell*, nor to the *King's Bench* or *Fleet* Prison, or to the Prison of the *Marshalsea* or Palace Courts, the General Penitentiary at *Millbank*, nor to the Penitentiary at *Gloucester*; nor to any Ships or Vessels provided in any Port or navigable River for the Reception and Employment of Convicts sentenced to Transportation; nor to exempt any such Convicts from any Punishment or Discipline to which they were liable by Law before the passing of this Act.

Where Prisons built on Crown Land the Land to remain unalienable.

LXXVII. And be it further enacted, That where any Prison is situate on Lands of the King's Majesty, in right of His Royal Crown, or of His Duchy of *Lancaster*, or of the Duchy of *Cornwall*, such Lands, with their Appurtenances, shall remain for ever unalienable, so long as they shall be used for the Purpose of such Prison.

Commencement of Act.

LXXVIII. And be it further enacted, That this Act, and the several Clauses, Matters, and Things therein contained, shall commence and take Effect from and after the First Day of *September* One thousand eight hundred and twenty-three, and not sooner.

SCHEDULES

SCHEDULES to which this Act refers.

SCHEDULE (A.)

LIST of DISTRICTS, CITIES, TOWNS, and PLACES, in ENGLAND and WALES, to which this Act shall extend, in addition to Counties at large.

Bristol.	Lincoln.
Canterbury.	Liverpool.
Chester.	Newcastle-upon-Tyne.
Coventry.	Norwich.
Exeter.	Nottingham.
Gloucester.	Portsmouth.
Kingston-upon-Hull.	Worcester.
Leicester.	York.
Litchfield.	

SCHEDULE

FORM of Annual Return

1. Number of Prisoners the Prison is capable of containing in separate Sleeping Cells.	2. Number of Prisoners the Prison is capable of containing where more than One Prisoner sleeps in One Cell.	3. Total Number of Prisoners.		4. Number of Debtors.		5. Number of Misdemeanors.		6. Number of Felons.		7. Number of Prisoners committed in the Course of the Year.	8. Number of Tried Prisoners.		9. Number of Untried Prisoners.		10. Number of Prisoners above 17 Years of Age.		11. Number of Prisoners under 17 Years of Age.	
		Mich. 18 .	Mich. 18 .	Male.	Female.	Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.

Note.—The Total of the Columns 4, 5, Column No. 3; and the Aggregate

19.—Whether Common Gaol, House of Correction, or Bridewell?	
20.—Under whose Jurisdiction and Superintendence?	
21.—Number of Officers, and how appointed?	
22.—Number of Classes, Wards, or Divisions, Work Rooms, Day Rooms, and Airing Yards, and whether the same can be extended or increased?	
23.—Dietary or other Weekly Allowance; and Weekly Cost per Head?	
24.—Allowance of Clothing and Bedding, and Cost per Head?	
25.—Description of Employment, and Hard Labour?	
26.—Hours of Labour and of Exercise?	
27.—Amount of Earnings how applied, and in what Proportion to each Class of Prisoners, to the Officers of the Prison, and to the Fund applicable to the Maintenance of the said Prison?	
28.—Whether the Classification required by this Act has been observed? If not, For what Reasons; and what Measures have been taken to remedy this Defect?	
29.—What Duties are performed by the Chaplain, what Provision made for Instruction, and whether Prisoners are supplied with Bibles and other Books?	
30.—Attendance of the Surgeon, and whether separate Buildings or Apartments are provided for the Sick?	
31.—Reasons for Non-employment of Prisoners, with reference to Column 15.	
32.—Reasons for Punishments, by Solitary Confinement, by Whipping, or Irons.	
33.—Is there any Insane Prisoner in Confinement? State his or her Name, Age, and for what Offence committed? How long has he or she been in Confinement? How long has he or she been Insane?	
34.—General Observations.	

(B.)

to Secretary of State.

12.	13.				14.		15.	16.				17.		18.		
Greatest Number of Prisoners at one Time.	Number of Prisoners who have been committed before.				Prisoners employed.		Prisoners not employed.	Punishments for Offences within the Prison.				Number of Solitary Cells and of Apartments below Ground.		Cases of Sickness and Death.		
	Once.	Twice.	Three Times.	Four and more.	Hard Labour,	Employment, not being Hard Labour.		Whippings.	In Irons.	Solitary Confinement.	Other Punishments.	Solitary Cells.	Apartments below Ground.	Cases of Sickness in the Year.	Greatest Number of Sick at one Time.	Deaths.

and 6, will be equal to the whole Number of Prisoners in the Prison, expressed in the Second Division of the of Columns 5 and 6 will be equal to that of Columns 8 and 9, and to that of Columns 10 and 11.

SCHEDULE (C.)

FORM of MORTGAGE and Charge upon the County Rate for securing the Money borrowed.

WE, *A.B.* One of His Majesty's Justices of the Peace, and Chairman of the Court of Quarter Sessions of the Peace holden at

the Day of for the County, &c. of [*as the Case may be*], *C.D.* and *E.F.* Esquires, Two other of His Majesty's Justices of the Peace acting for the said County, &c. and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Year of the Reign of His Majesty King *George* the Fourth, intituled, &c. [*insert the Title of this Act*] do hereby, in open Court, mortgage and charge all the Rates to be raised within the said County, &c. [*as the Case shall be*] under the Description of County Rates, by the Laws now in being, with the Payment of the Sum of which *G.H.* of hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the Expences of building, repairing, &c. [*as the Case shall be*] the Gaol, Bridewell, or House of Correction at [*as the Case shall be*] for the said County, &c.: And we do hereby confirm the same unto the said *G.H.* his Executors, Administrators, and Assigns, for securing the Payment of the Sum of and Interest for the same after the Rate of *per Centum per Annum*, and do order the Treasurer for the said County, &c. or other Person [*as the Case shall be*] to pay the Interest of the said Sum of Half-yearly, as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

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