

ANNO QUINTO

GEORGII IV. REGIS.

***

Gaols for Care of Prisoners.

or whereto such City, Town, Borough, Port, or Liberty is situate or adjacent, or with any Two of them, for the Support and Maintenance, in such last-mentioned Gaol or House of Correction, of any Prisoners committed thereto, from such City, Town, Borough, Port, or Liberty; provided that no such Contract be entered into by any Justices of the Peace of any County, Riding, or Division, without an Order for that Purpose being made at some General or Quarter Sessions, or Gaol Sessions, having Jurisdiction in that Behalf, nor by the Justices or other Persons having the Government of the Prison of any such City, Town, Borough, Port, or Liberty, without an Order for that Purpose being made at the Sessions thereof; and every such Contract may either be perpetual, or limited to a certain Term of Years, as the Parties shall mutually agree; and during the Existence of such Contract, every Prisoner who would otherwise be confined in the Gaol or House of Correction of the City, Town, Borough, Port, or Liberty, so contracting, may be lawfully committed or removed to and confined in the Gaol or House of Correction so receiving him or her under such Contract; and all Prisoners so confined by Contract, whether before or after Trial, shall be subject in all Matters and Things to the same Rules and Regulations as if they were committed thereto by any of the Justices of the County, Riding, or Division; and if committed before Trial, shall be triable and tried in the same Manner as if their Offences had been committed in a Part of the County, Riding, or Division, not within the City, Town, Borough, Port, or Liberty from whence such Prisoners shall come; save only, that if the Gaol or House of Correction so receiving under Contract a Prisoner committed for Trial, shall be situate within Two Miles of the usual Place of Trial of the City, Town, Borough, Port, or Liberty, wherein the Offence charged against such Prisoner shall be alleged to have been committed, it shall be lawful to try such Prisoner in the Manner heretofore accustomed, and for the Magistrates or other proper Officer of such City, Town, Borough, Port, or Liberty, to direct the Removal of such Prisoner for Trial, and to do all other Acts necessary for such Trial, or consequent thereon.

No Contract entered into without an Order of the Quarter Sessions.

Prisoners to be committed to the Prison contracted for.

Expences under the Contract.

II. And be it further enacted, That the Monies to be paid under any such Contract as aforesaid shall be raised in the same Manner as Monies for defraying the Expences of the Gaol or House of Correction for which a Substitute shall be provided under such Contract; and where such Expences are not wholly defrayed from the same Fund, and there shall arise a Difference of Opinion between the Parties interested in the several Funds applicable to the several Purposes of the Prison, as to the Proportion in which those Funds respectively shall contribute to the Sum to be paid to the County, Riding, or Division, for the Use of its Prison, and such Difference shall not be adjusted by Agreement between themselves, it shall be lawful for either of such Parties to apply to the Justices of Assize of the last preceding Circuit, or of the next succeeding Circuit, or to One of such Justices, who shall by Writing under their or his Hands or Hand, nominate a Barrister at Law, not having any Interest in the Question, to arbitrate between the Parties; and such Arbitrator may, if he shall see fit, adjourn the Hearing

In case of Dispute, to be settled by Arbitration.

Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties, as shall appear to him meet and necessary; and shall, by his Award in Writing, determine the Proportions in which such Parties shall contribute towards the said Expences; and his Award shall be final and conclusive between the Parties; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom, and out of what Fund, the same shall be paid.

During the Contract, City, &c. so contracting not liable to provide a Prison.

III. And be it further enacted, That during the Existence of any such Contract, if it shall extend to the whole of the Prisoners who would otherwise be confined in the Gaol or House of Correction of the City, Town, Borough, Port, or Liberty so contracting, such City, Town, Borough, Port, or Liberty shall not be liable to Indictment or Impeachment for the Non-repair of its Gaol or House of Correction respectively; and if such Contract shall extend to only a certain Class or Classes of its Prisoners, such City, Town, Borough, Port, or Liberty shall not be liable to provide the Accommodation required to be otherwise provided for the same Class or Classes of Prisoners by the said recited Act, or by any other Act now in force.

Magistrates, &c. empowered to borrow Money for rebuilding Gaols, &c. in case it should appear more adviseable than altering old ones.

IV. And be it further enacted, That if it shall seem fit to the Magistrates or Superintending Officers of any City, Town, Borough, Port, or Liberty, that instead of altering or building any Gaol or House of Correction for their separate Use, or contracting under the Provisions aforesaid, it would be more adviseable to raise a Sum or Sums of Money in aid of building a new or of enlarging a County Prison, it shall be lawful for them to agree with the Justices of the Peace, having Authority or Jurisdiction in and over any Gaol or House of Correction of the County, Riding, or Division wherein or whereto such City, Town, Borough, Port, or Liberty is situate or adjacent, or with any Two of them, for the Payment to such Justices, having such Authority as aforesaid, of any Sum or Sums of Money to be by them applied in or towards the altering, enlarging, building, rebuilding, repairing, or improving such Gaol or House of Correction of the County, Riding, or Division aforesaid: Provided that no such Agreement be entered into by any Justices of the Peace for any County, Riding, or Division, without an Order for that Purpose being made at some General or Quarter Sessions or Gaol Sessions, having Jurisdiction in that behalf.

Monies are to be raised for building Gaols, &c.

V. And it is hereby further enacted, That all Monies to be paid under any such Agreement as last mentioned, shall be raised in the same Manner, and subject to the same Conditions, as is directed in respect of Monies to be raised for the building or rebuilding, repairing or enlarging any Gaol or House of Correction under the Provisions of this Act.

Money borrowed for rebuilding Gaols, &c. to be repaid to

VI. Provided always, and it is hereby enacted, That it shall be lawful for such Justices of the Peace of any such County, Riding, or Division, entering into any such Agreement as last aforesaid, to stipulate in the same (if they shall see fit so to do) that it shall be lawful for such

such City, &c. advancing the same.

such County, Riding, or Division, at such Time or Times as shall be in that behalf provided in such Agreement, to repay to the said City, Town, Borough, Port, or Liberty the Sum or Sums of Money which shall have been so paid or advanced in or towards the altering, enlarging, building, rebuilding, repairing, or improving such Gaol or House of Correction of the County, Riding, or Division aforesaid.

Magistrates to report to the Secretary of State as to Contracts with Counties for the Use of Prisons.

VII. And be it further enacted, That the Chief Magistrate of every City, Town, Borough, Port, or Liberty now having a Gaol or House of Correction, in *England* and *Wales*, shall, in the Month of *October* next, report to One of His Majesty's Principal Secretaries of State whether any Contract has been made with the County, Riding, or Division, for the Use of its Prisons, or any of them, by such City, Town, Borough, Port, or Liberty, and to what Classes of Prisoners such Contract, if any, shall extend; and if there be no such Contract, whether any Steps have been taken towards such Contract; and if so, in what State the Treaty is, and what Obstacles there are to its Completion; and the Chief Magistrate of every such City, Town, Borough, Port, or Liberty, where no such Contract shall be in Existence, shall, in the same Month of *October*, transmit to One of His Majesty's Principal Secretaries of State, a Copy of all such Rules and Regulations as shall be then in force for the Government of every such Prison, and a Return in the Form of the Schedule to this Act annexed, marked (A.), and a Statement of the Establishment of Officers and Servants employed therein, specifying the Number and Description of such Officers and Servants, the Salaries and Emoluments of each, and by whom such Officers and Servants are respectively appointed, and a Plan of every such Prison, 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 such Magistrate shall, in every subsequent Month of *October*, until such a Contract shall be entered into, transmit to such Secretary of State a Return in the Form of the said Schedule, and a Copy of all Additions to such Rules and Regulations, or Alterations made therein, and a Statement of any Increase or Diminution in such Establishment of Officers and Servants, or in their respective Salaries and Emoluments, 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 preceding Year.

Copy of Regulations of Prisons, and a Return to be made as in Schedule annexed, to the Secretary of State.

Statement of Establishment of Officers and Servants, shewing the Increase or Diminution, to be transmitted to the Secretary of State.

VIII. 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 the said recited Act shall extend, shall transmit within Fourteen Days after the Commencement of such Sessions, to One of His Majesty's Secretaries of State, a true and correct Statement of the Establishment of Officers and Servants employed in every Prison within the Jurisdiction of the Justices assembled at such Sessions, specifying the Number and Description of such Officers and Servants, the Salaries and Emoluments of each, and by whom such Officers and Servants are respectively appointed; and the said Statements shall be carefully preserved in the Office of

such

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 Statement of any Increase or Diminution in every such Establishment of Officers and Servants, or in their respective Salaries or Emoluments, as have been made since the preceding *Michaelmas* Quarter Sessions.

4 G. 4. c. 64. repealed as to Canterbury, Lichfield, and Lincoln.

IX. And be it further enacted, That so much of the said recited Act as relates to the Cities of *Canterbury*, *Lichfield*, and *Lincoln*, shall be and the same is hereby repealed.

Classification of Prisoners.

X. And whereas in some other Counties and Places to which the said recited Act extends, by reason of the small Number of Prisoners usually confined therein, it may not be necessary to provide the whole Number of Wards and airing Grounds thereby required, but it is necessary to provide that in all Prisons some certain Means of Classification should be secured; be it further enacted, That in every Prison to which the said recited Act extends, except *Canterbury*, *Lichfield*, and *Lincoln*, Provision shall be made for the following Classification, at the least:

In all such Gaols, the Male and Female Prisoners shall be confined in separate Wards or Parts of the Gaol. The Male Prisoners shall be divided into Five Classes: First, Debtors, and Persons committed for Contempt of Court on Civil Process: Second and Third, Prisoners convicted, who may be put into either of these Classes, as to the Visiting Magistrates may seem meet, Reference being had to the Character and Conduct of the Prisoners, and the Nature of their Offence: Fourth and Fifth, Prisoners committed for Trial, who may also be put into either of these Two Classes, as to the Visiting Magistrates may seem meet, Reference being had in like Manner to the Character and Conduct of the Prisoners, and the Nature of their Offence.

The Female Prisoners shall be divided at least into Three Classes; First, Debtors and Persons committed for Contempt of Court on Civil Process: Second, Prisoners convicted: Third, Prisoners committed for Trial.

In all such Houses of Correction, the Male and Female Prisoners shall also be confined in separate Wards or Parts of the House. The Male Prisoners shall be divided into Five Classes: First and Second, Prisoners convicted, who may be put into either of such Classes, as to the Visiting Magistrates may seem meet, Regard being had to the Character and Conduct of the Prisoners, and the Nature of their Offence: Third and Fourth, Prisoners committed for Trial, in all Houses of Correction where such Prisoners are received; such Prisoners may be put into either of these Classes, as to the Visiting Magistrates may seem meet, Regard being had, as already mentioned, to the Character and Conduct of the Prisoner, and the Nature of his Offence: Fifth, Vagrants.

In Places where the Gaol and House of Correction are united, the Male Prisoners shall be divided into Six Classes at least: First, Debtors and Prisoners committed for Contempt of Court on Civil Process: Second and Third, convicted Prisoners: Fourth and

Fifth, those committed for Trial; such Prisoners to be assigned to either of these Classes of Prisoners convicted or committed respectively, as to the Visiting Magistrates shall seem meet, Regard being always had to the Character and Conduct of the Prisoners, and the Nature of their Offence: Sixth, Vagrants.

The Female Prisoners, in each of such Houses of Correction, shall be divided into Three Classes: First and Second, Prisoners convicted; the Prisoners to be put into either of such Classes, as to the Visiting Magistrates shall seem meet, Regard being had to their Character and Conduct, and the Nature of their Offence; Vagrants shall be assigned to one or the other of these Classes, as the Visiting Magistrates, in their Discretion, may see meet: Third, where Females are committed to any House of Correction before Trial, they shall be kept in a Class by themselves.

Some Regulations may be dispensed with in Welch Counties.

XI. And whereas in some Counties of *Wales* it may be consistent with the due Classification of the Prisoners, to dispense with some of the Wards or airing Grounds required by the said recited Act and this Act; be it therefore further enacted, That if the Court of Quarter Sessions of any County in *Wales* shall, during the present Year, present a Petition to the Lords of His Majesty's Privy Council setting forth the whole Number of Prisoners imprisoned in the Common Gaol and House or Houses of Correction of such County, within the last Seven Years, with the Causes of their Imprisonment respectively, so as to exhibit in which of the Classes prescribed by the said recited Act, or this Act, each such Prisoner would have been included, and showing also the greatest Number of such Prisoners imprisoned in such Gaol and House or Houses of Correction, at any one Time in each of the said Seven Years; and setting forth fully and particularly the then State of such Gaol and House or Houses of Correction, and an Estimate of the Expence which would be incurred by enlarging such Gaol, or such House of Correction, to which the Petition shall apply, so as to admit of the whole Number of Wards and airing Grounds required by the said Act or this Act, and the Amount of the County Rate for each of the said Seven Years, and praying a Dispensation with some Part of the Wards or other Accommodations required by the said Act or this Act, which under the Circumstances of such County may to such Court appear unnecessary, it shall be lawful for the said Lords of the Privy Council to take such Petition into their Consideration, and, if they shall see fit, to make an Order thereon, directing in what Manner and to what Extent it shall be sufficient for such County to comply with the Provisions of the said Act and this Act, and making such Regulations touching the same as to them shall seem meet; and such County duly complying with such Order, shall not be liable to be indicted, or otherwise impeached, for not further conforming itself to the Regulations of the said Act and this Act, in regard to the Extent of its Prisons, or the Wards into which they are divided, or the Accommodation to be found therein; any thing in the said recited Act or this Act to the contrary notwithstanding.

As to Prisoners for Breach of Revenue Laws.

XII. And be it further enacted, That any Person confined in any Prison to which the said recited Act extends, for Non-payment of

of any Penalties incurred under the Revenue Laws, may be assigned to such Class of convicted Prisoners for whom a separate Ward is therein provided, as the Visiting Magistrates in their Discretion may think fit, Regard being had to the Character of the Prisoner, and his or her Conduct while in Prison; and the Reasons for assigning such Prisoner to any particular Class of Convicts shall be reported by the Visiting Magistrates to the Quarter Sessions.

To prevent solitary Confinement.

XIII. And be it further enacted, That where, in any Prison, there shall be only One Prisoner belonging to any Class in the said Act or herein specified, such Prisoner may be assigned, with his or her own Consent, to any other Class of Prisoners of the same Sex, which the Visiting Magistrates in their Discretion shall think fit.

Where Gaol and House of Correction are contiguous, the Chapel and Infirmary may be common to both.

XIV. And whereas by the said recited Act it is required, that when the Gaol and House of Correction are inclosed within the same Boundary Wall, it shall be ascertained and declared what Part or Parts shall be considered as the Gaol, and what as the House of Correction; be it further enacted, That notwithstanding any thing in the said Act contained, it may be lawful for the Justices, in their General or Quarter Sessions, to declare in any such Case that such Parts of the Buildings as shall be appropriated for the Chapel, and for the Sick Wards or Infirmaries, shall be common both to the Gaol and to the House of Correction, and that in that Case a double Set of Wards shall not be necessary.

The Liability of Cities is not to be altered, as to the Description of Prisoners, or the Contribution towards Expences.

XV. And be it further enacted, That nothing in the said recited Act or in this Act contained shall oblige any City, Town, Borough, Port, or Liberty, to provide in its Gaol or House of Correction Accommodation for any Class of Prisoners who could not be lawfully committed to such Prison before the passing of the said recited Act; and that nothing in the said recited Act or this Act contained shall alter or affect the Liability of any Bodies Politic or Corporate, or of the Inhabitants of any Parish, Township, or Place, or of any Individuals bound by Statute, Tenure, Custom, Prescription, or Usage, to repair or to contribute towards the Repair of any Prison, or to maintain or contribute towards the Maintenance of the Prisoners confined in any Prison, or to pay or contribute towards the Payment of any Expences whatever connected with any Prison, but that all such Parties shall remain liable to all such Charges as if the said recited Act and this Act had not been made.

4 G. 4. c. 64.

No Prisoner shall be compelled to labour on the Tread-wheel, previous to Conviction.

XVI. And whereas by the said recited Act it was made lawful for One or more Visiting Justice or Justices of any Prison to which the same extended, to authorize, by an Order in Writing, the Employment of Prisoners committed for Trial, with their own Consent, in any such Work as therein specified; be it hereby enacted and declared, That such Consent of every such Prisoner shall be freely given, and shall not be extorted or obtained by Deprivation or Threat of Deprivation of any Prison or other Allowance; and that no Prisoner before Conviction shall, under any Pretence, be employed on the Tread-wheel, either with or without his Consent.

XVII. And

Prisoners to be allowed sufficient Food without being obliged to work.

XVII. And whereas it has been doubted whether Prisoners committed to Prison for Trial, who are unable to maintain themselves otherwise than by being employed in some Kind of Work or Labour in Prison, are entitled to receive any Prison Allowance of Food without being required so to employ themselves; be it hereby enacted and declared, That such Prisoners shall be allowed such Food as may be sufficient for the Support of Health, without being obliged to perform any Kind of Work or Labour as the Condition of such Allowance; and that any Wages or Portion of the same, which may become due to such Prisoners from the Keeper of any Prison, in consequence of any Order made by any Visiting Justice or Justices of such Prison, for the Employment of such Prisoners with their own Consent, shall be paid to them as directed by such Order, in addition to the Food so allowed, and without any Diminution of such Allowance by reason of such Payment.

Regulating the Notices when Commonable Lands are required for a Prison.

XVIII. And whereas it may be found expedient in some Places, for the Purpose of building, enlarging, or rendering more commodious the Gaol or House of Correction, to fix upon Lands or Tenements over which Rights of Common exist; and in such Case great Difficulties may arise in purchasing and obtaining a Conveyance of such Commonable Lands or Tenements under the general Powers of the said recited Act; be it therefore enacted, That for the Purpose of the said recited Act and of this Act, and of any Local Act relative to any such Gaol or House of Correction, the Churchwardens for the Time being of the Parish wherein any such Commonable Lands or Tenements shall be situate, shall be considered as the Persons solely and absolutely entitled to the Rights of Common of Pasture, or other Commonable Rights to which any such Lands or Tenements shall be subject; and that the Monies for which any such Commonable Rights shall be purchased, shall be paid to such Churchwardens, whose Receipts shall be an effectual Discharge for the same; and the same Monies shall be applied by such Churchwardens to such general and public Purposes within the Parish where the Lands or Tenements so purchased shall be situate, as a Vestry of such Parish, to be convened by such Churchwardens, shall direct.

Notices to be delivered to the Occupier.

XIX. And be it further enacted, That for the Purpose of receiving the Notice required by the said recited Act to be given to Persons interested in Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges contiguous to any Gaol or House of Correction, and deemed necessary for the Purposes of enlarging the same, or rendering it more commodious, the Occupier of such Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges, shall be deemed the Person interested therein; and that every such Occupier, upon receiving any such Notice, shall forthwith transmit or deliver the same to any other Person interested, under whom he may hold the Houses, Buildings, Lands, Tenements, Hereditaments, Easements, or Privileges so deemed necessary.

To enable Justices to borrow Money on

XX. And whereas by the said recited Act, and by another Act passed in the present Session of Parliament, intituled *An Act to facilitate, in those Counties which are divided into Ridings or Divisions,*

sions, the Execution of an Act of the last Session of Parliament, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England *and* Wales; the Justices of the Peace in Quarter Sessions assembled have, in certain Cases, Authority to borrow on Mortgage of the Rate of the County, Riding, Division, District, City, Town, or Place, Money for the Purpose of building, rebuilding, repairing, or enlarging the Gaol or House of Correction, and to charge the said Rate with such Sum as shall ensure the Payment of the whole Sum borrowed, with Interest, within Fourteen Years: And whereas, for the Purpose of facilitating the Reduction of the Rate of Interest, it may be expedient that the County, Riding, Division, District, City, Town, or Place should have Power to borrow in like Manner, on Mortgage of its Rate, a further Sum for the Purpose of paying off the Principal Sum so borrowed and secured as aforesaid; be it further enacted, That whenever it shall appear to the Justices assembled at any General or Quarter Sessions to be holden for any County, Riding, Division, District, City, Town, or Place, having contracted a Debt under the said recited Acts, that Advantage may arise from paying off the same and borrowing at a lower Rate of Interest, it shall be lawful for the Justices so assembled to borrow on Mortgage of such Rate by Instrument in the Form directed by the said first-recited Act, any Sum or Sums of Money not exceeding in the whole the Principal Sum of Money that may then be outstanding on the Securities so theretofore granted, and therewith to discharge the Whole or any Part of the Money for which such Securities shall have been given: Provided always, that it shall not be lawful to use or apply any Portion of the Money to be borrowed under this Provision, for any Purpose other than the Payment and Discharge of the Whole or Part of the Principal Sum then due on the Securities granted under the said recited Acts: Provided also, that the Money to be borrowed under this Provision shall be borrowed on such Terms and under such Conditions as shall in no way interfere with or prevent the full Payment and Discharge of the Money borrowed under the Provisions of the said recited Acts, and so that the Rate to be raised in such County, Riding, Division, District, City, Town, or Place, shall, within Fourteen Years from the Time when the Money was originally borrowed under the Provisions of the said recited Acts, be discharged and released from all Securities so made as aforesaid.

Mortgage of Rate to pay off Securities. 4 G. 4. c. 64. 5 G. 4. c. 12.

XXI. And whereas by the said recited Act of the present Session of Parliament, Provision is made for settling by Arbitration Disputes between Ridings and Divisions, as to the Proportions in which they shall contribute to the Expence of the County Gaol; but by reason of some verbal Inaccuracies in the said Provision, there may be some Difficulty in acting thereon; be it therefore further enacted and declared, That the Clerk of the Peace may be authorized to apply to the Justices of Assize for the Nomination of an Arbitrator, under the said last-recited Act, by an Order of the Court of Quarter or General Sessions of the Riding or Division, and that One Arbitrator shall be competent to exercise all the Powers and Authorities given to the Arbitrator or Arbitrators by the same Act; and that such Arbitrator shall assess the Costs of the Arbitration, and direct by whom and out of what Fund the same shall be paid.

Amending the Arbitration Clause in 5 G. 4. c. 12.

Discharged Prisoners to be afforded Means of returning to their Place of Settlement.

XXII. And whereas it is desirable that more effectual Means should be afforded, whereby Prisoners discharged from Prison should be enabled to return to their Place of Settlement; be it therefore enacted, That when any Prisoner discharged from Prison shall be desirous of being supplied with the Means of so returning, it shall and may be lawful for any Two Visiting Justices of such Prison, upon Application from such Prisoner, to take the Examination in Writing upon Oath of such Prisoner, as to his or her last legal Place of Settlement; and upon such Examination, and such other Evidence as the said Visiting Justices may be able to procure, it shall be lawful for the said Visiting Justices, if they shall so think fit, to afford to such Prisoner the Means of returning to his or her Place of last legal Settlement, in the Manner herein-after directed.

Engraved or printed Forms of Passes to be provided for Use of Visiting Justices.

XXIII. And be it further enacted, That it shall be lawful for the Justices of the Peace of each and every County, Riding, or Division, in *England*, in their General or Quarter Sessions assembled, to cause engraved Copper Plates or printed Forms of Passes to be provided, according to the Form in Schedule (B.) annexed to this Act, bearing His Majesty's Arms, and sealed with the County Seal, or with a Seal to be specially provided for that Purpose; and the said Justices may cause the same to be issued to the Keepers of the several Prisons within their respective Counties, Ridings, or Divisions, for the Use of the Visiting Justices of each such Prison, whenever any Prisoner or Prisoners discharged from or about to be discharged from such Prison shall apply to be furnished with the same; and the said Visiting Justices shall, if after a due Consideration of the Circumstances they shall deem it expedient, fill up the Blanks in every such Pass, and certify the same, and make out a Route in the proper Column for the Purpose, of each such Prisoner, and for the Child or Children, if any, of each such Prisoner, specifying the Place to which such Prisoner and such Child or Children is or are going, and the Time to which the said Pass is (except in Cases of Sickness or unavoidable Accident) limited, in order that such Prisoner may receive such Allowances as are authorized by this Act, not exceeding One Penny Halfpenny *per* Mile for such Prisoner, and One Penny *per* Mile for each Child, which from being in a State of Nurture or without other Protection may have been confined in Prison with such Prisoner.

Overseers of the Poor to pay a certain Allowance to Prisoners on producing their Pass.

XXIV. And be it further enacted, That upon the Production of such Pass to any Overseer of the Poor of any Place through which such discharged Prisoner shall proceed, according to the Route specified in such Pass, he shall, out of any Money in his Hands applicable to the Relief of the Poor, pay such discharged Prisoner an Allowance not exceeding the Rate *per* Mile specified in such Pass as aforesaid, for the Number of Miles to the next City, Town, or Place to which he or she may be going, and he shall indorse on such Pass the Money so paid, and take a Receipt for the same from the discharged Prisoner, signed with his or her Hand or Mark.

County Treasurer to repay Overseer Money advanced.

XXV And be it further enacted, That the said Sums so advanced by any Overseer shall, upon Production and Delivery of such Receipt to the Treasurer of the County, Riding, or Division in which the Parish or Place of such Overseer, be repaid to such Overseer, for

the Use of the Fund for the Relief of the Poor of such Parish or Place, by the said Treasurer.

Discharged Prisoner shall deliver up his Pass at the last Place of receiving Allowance.

XXVI. And be it further enacted, That every such discharged Prisoner shall, at the last Place of his or her receiving any Allowance under this Act, deliver up such Pass to the Overseer of the Poor advancing such Allowance, who shall transmit the same to the Keeper of the Prison from which such Prisoner shall have been discharged; and if there be indorsed upon such Pass, or upon the Cover thereof, the Words "Pass of a discharged Prisoner," and the said Pass be sent without a Cover, or in a Cover open at the Sides, and without any Paper or Thing inclosed therein, and without any Writing other than the Matter of such Pass and than the Superscription upon the same, or upon the Cover thereof, such Pass shall be charged with the usual Rate of Postage at the Post Office of the Town or Place from which it shall be so sent, but the Amount of the said Postage shall be remitted and returned to the Keeper of such Prison on his producing such Pass to the Postmaster of the Town or Place to which such Pass shall be sent as aforesaid; provided that such Keeper shall have first signed the Declaration contained in the Schedule to this Act annexed, and that such Declaration shall have been attested by One of the Visiting Justices of such Prison, in the Manner prescribed in the said Schedule.

Not to extend to certain Prisons, &c.

XXVII. 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*, nor to the Prison of *Marshalsea* or Palace Courts, nor to the General Penitentiary at *Milbank*, nor to the General Penitentiary at *Gloucester*.

SCHEDULES

SCHEDULES to

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.
1	2																	

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 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.—Attendance of the Surgeon, and whether separate Buildings or Apartments are provided for the Sick?	
29.—Reasons for Non-employment of Prisoners, with reference to Column 15.	
30.—Reasons for Punishments, by Solitary Confinement, by Whipping, or Irons.	
31.—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?	
32.—General Observations.	

which this Act refers.

(A.)

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 (B.)

The King's Arms.

Certificate, Route, and Description of discharged Prisoners, under the 5th George IV.

CERTIFICATE.

WHEREAS by the Act of Parliament of the Fifth *George* Fourth, Cap. , Prisoners discharged from Prison may, upon Application to the Visiting Justices of such Prison, become entitled to certain Allowances from the Overseers of the Poor of any Place through which they may pass on their Way to the Places of their Settlement, under Authority of a Route and Certificate of Two such Visiting Magistrates: And whereas corresponding in Appearance and the Account he [*or* she] gives of himself [*or* herself] to the Description after mentioned, has come before us, Two of the Visiting Justices of the County Gaol [*or* House of Correction] at and is deemed by us to be a fit Object to receive the regulated Allowances under the said Act; this is to certify the same, and to require the Overseers of the Poor of the Places mentioned in the Route, to issue to the said discharged Prisoner the Allowance specified in the said Route, as required by the said Act of Parliament: Provided that the discharged Prisoner produces the said Route himself [*or* herself] and that the Description corresponds with his [*or* her] Appearance, and agrees with the Account he [*or* she] gives of himself [*or* herself] and the Number of Children he [*or* she] has with him [*or* her]. Given under our Hands and Seals, this Day of

{Seal and Signature of the Magistrate.

This Pass to be in force for Days from the Date hereof.

N. B.—To prevent Frauds, all Parish Officers are not to give the Allowances granted by the aforesaid Act under the Authority of any other Form of Pass than this, which is prescribed in the Schedule of the Act of Parliament aforesaid.

Schedule (B.)—*continued.*

Route for from in the County of

to in the County of

A. Names of Places through which the discharged Prisoner is to travel.	B. Rate per Mile for the discharged Prisoner and Children, if any.	C. Distance of Place where Relief is advanced, to that where it is to be continued.	D. Sum paid by each Overseer.	E. Signature of each Overseer, paying the discharged Prisoner.	Remarks.
Total Amount paid - - £					

Directions for filling up these Passes:

The Magistrate is to fill up the Description, and to insert in the Column marked A. the Names of the Places through which the discharged Prisoner is to travel; and in the Column marked B. (in Words) the Allowance per Mile which he (or she) is to receive; and also to write the Number of Children in Words, in the proper Column in the Third Page; and when there are no Children, to strike out that Part of the Form. In case of any Mistake, the Magistrate should make the necessary Alteration with a Pen, and write his Name opposite thereto.

The Overseer of the Poor will insert in the Column marked C. the Distance of the Place to which he advances the Allowance; in that marked D. the Sum he gives the discharged Prisoner; and in that marked E. will sign his own Name, specifying the Parish for which he acts. He is also to take before a Magistrate any Person that presents a Pass in which there are Alterations other than with the Pen, as above directed.

Schedule (B.)—*continued.*

Description of the discharged Prisoner.

Prisoner's Name.	His (or her) Age.	His (or her) Height.		Colour of his (or her)			His (or her) Dress.	Number of Children.			
		Feet.	Inches.	Hair.	Eyes.	Complexion.		Boys.	Ages.	Girls.	Ages.

Memorandum for the Guidance of the Overseers of the Poor, Treasurers of Counties, and Keepers of Prisons.

Each Overseer is to take a Receipt from the discharged Prisoner, signed with his (or her) Name or Mark, and he is to be reimbursed the Money paid, by the Treasurer of the County in which he serves the Office of Overseer, on giving him a Receipt for the same, together with the discharged Prisoner's Receipt. The Overseer who makes the last Advance to carry the discharged Prisoner to his Place of Residence, is to send the Certificate, Route, and Pass to the Keeper of the Prison from which the Prisoner was discharged; and the said Keeper shall make and sign a Declaration in the Form herein next after annexed; which said Declaration shall be attested by One Visiting Justice of the said Prison.

Declaration of the Keeper of the Prison.

I Keeper of the County Gaol [*or* Keeper of the House of Correction or Prison] in the County of do declare that this Pass hath come to me without Cover [*or* in a Cover open at the Sides], and without any Paper or Thing inclosed therein, and without any Writing other than the Matter of such Pass, and than the Superscription upon the same or upon the Cover thereof.

(Signed) *A. B.*

I One of the Visiting Justices of the said Prison do attest, that after due Examination I do believe the aforesaid Declaration to be true.

Dated this Day of

C. D.

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