

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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CAP. XXXIII.

An Act for the further Regulation of the General Penitentiary at *Millbank*. [21st *June* 1827.]

WHEREAS the Acts now in force for the Regulation of the General Penitentiary at *Millbank* have been found insufficient for the Repression of mutinous and disorderly Behaviour on the Part of the Convicts towards the Officers of the said Penitentiary, and it is expedient to make further Provisions for securing that Object, as well as certain other Objects conducive to the Well-being of the said Establishment: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Convict in the General Penitentiary at *Millbank* shall assault the Governor thereof, or any Officer or Servant employed therein, the Committee appointed for the Management of the said Penitentiary under or by virtue of the said Acts may order him or her to be prosecuted for the said Offence, and upon Conviction thereof such Offender shall be liable to be confined in the said Penitentiary for any Term not exceeding Two Years, in addition to the Term for which at the Time of committing such Offence he or she was subject to be confined, and shall also be liable (if a Male) to be publicly or privately whipped, if the Court shall so think fit.

Punishment of Convicts assaulting the Governor or any other Officer.

II. And be it enacted, That it shall be lawful for the Committee of the said Penitentiary from Time to Time to specify, by a Regulation or

Corporal Punishment may be in-

flicted in certain Cases and under certain Restrictions.

or Regulations, such Offences as shall appear to them deserving of Corporal Punishment, such Regulations to be submitted to the Judges of the Court of King's Bench for their Sanction, in manner directed by the Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, intituled *An Act to regulate the General Penitentiary for Convicts at* Millbank *in the County of* Middlesex; and if any Male Convict in the said Penitentiary shall, after the Sanction of the said Judges shall be received, commit any Offence whereby he shall under such Regulations become liable to Corporal Punishment, the Governor of the said Penitentiary shall have Power to report such Offence to some One of His Majesty's Justices of the Peace for the County of *Middlesex*, who shall as soon as convenient repair to the said Penitentiary, and shall inquire into the Offence so reported to him, and shall for that Purpose examine any Person upon Oath, if he shall so think fit, and if upon Proof of the Offence he shall be of Opinion that the same, under the Regulations above referred to, and under the Circumstances of the Case, is deserving of Corporal Punishment, such Magistrate is hereby authorized to order the Offender to be publicly or privately whipped: Provided always, that no Convict who shall have been so corporally punished shall for the same Offence be liable to be ordered by the Committee of the said Penitentiary to be punished by Confinement in a dark Cell upon Bread and Water; but it shall nevertheless be competent to the said Committee to remove such Convict, if ranked in the Second Class, into the First Class; and in case of Removal into the First Class, such Convict shall from the Time of making the Order of Removal remain in such First Class until he shall be restored to the Second Class by Order of the Committee, or until the Term of his Confinement in the said Penitentiary shall be completed.

Corporal Punishment and solitary Confinement not to be inflicted for the same Offence.

Prosecutions against Convicts for Offences in the Penitentiary.

III. And be it enacted, That if any Convict who shall be under Confinement in the said Penitentiary shall at any Time during the Term of such Confinement break Prison, or escape or be rescued from the said Penitentiary, or eshall scape or be rescued in his or her Conveyance thereto, or from the Person or Persons having the lawful Custody of such Convict, or shall commit any other Offence mentioned in this Act or in any Act relating to the said Penitentiary, and cognizable by any Criminal Court, every such Offender 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 of the Offences aforesaid, against any such Convict, or against any other Person concerned therein, or aiding, abetting, or assisting the same, the Order of One of His Majesty's Principal Secretaries of State for the Confinement of such Convict in the said Penitentiary, together with due Proof of the Identity of the Person of such Convict, and Production of the Register of the said Penitentiary in which the Commitment of such Convict, and of his having been received into the said Prison under such Order, shall be entered, shall be sufficient Evidence of all the Facts inserted in such Registry as to such Convict, without the Production of any Record of such Conviction, or Proof that such Convict had been convicted of Felony, and legally ordered to be confined in the said Penitentiary.

Incorrigible Convicts may be reported by the Committee to the Secretary of State, who may remit them to their original Sentences.

IV. And be it enacted, That if any Convict shall, within the first Half of the Period for which he or she shall be confined, appear to the said Committee to be incorrigible by the Discipline of the said Penitentiary, such Convict having been subjected to Confinement in a dark Cell for Offences committed within the said Penitentiary, in every such Case it shall be lawful for the said Committee to represent the Conduct of such Convict to One of His Majesty's principal Secretaries of State, who may thereupon order such Convict to be removed to any Place appointed for the Reception of Convicts under Sentence of Transportation; and the Convict so removed shall be liable to be confined or transported under his or her original Sentence of Transportation, and to the full Extent of the Term specified in such Sentence, and shall be subject to all the Consequences of such Sentence, in the same Manner as if no Order for his or her being sent to the Penitentiary had ever been made.

Removal of diseased Prisoners.

V. And be it enacted, That if any Convict shall be reported by the Medical Officers of the said Penitentiary to the said Committee to be afflicted with any Disorder which would be likely to be materially benefited by the Removal of such Convict to any of the Vessels in which Convicts are confined under the Act passed in the Fifth Year of His present Majesty's Reign, intituled *An Act for the Transportation of Offenders from* Great Britain, it shall be lawful to the Committee to represent the State of Health of such Convict to One of His Majesty's principal Secretaries of State, who may thereupon order such Convict to be removed to any of such Vessels, there to remain for such Time as he would otherwise have been confined in the Penitentiary, or until he shall be removed back to the Penitentiary by a similar Order, to be therein confined under the original Order for his Confinement therein, or shall receive his Majesty's most gracious Pardon.

Period of laying the Returns before Parliament.

VI. And whereas by the said recited Act it is enacted, that the Committee of the said Penitentiary shall at the Beginning of every Session make a faithful Report to the King in Council, and to both Houses of Parliament, specifying the State of the Buildings, the Behaviour and Conduct of the respective Officers, the Treatment and Condition of the Convicts, the Amount of their Earnings, and the Expences of such Penitentiary: And whereas the said Provision, so far as regards the Period of making the said Report, requires Amendment, to enable the said Committee to lay such Accounts at all Times before Parliament up to the End of the preceding Year; be it therefore enacted, That after the passing of this Act the said Committee shall make such Report as aforesaid on or before the Fifteenth Day of *March* in each Year, up to the End of the Year then last past, if Parliament shall be then sitting, and if not, then within Fifteen Days after the Meeting of Parliament at any subsequent Period of the Year.

Form of Returns.

VII. And whereas by the said recited Act it is provided, that the Governor of the said Penitentiary shall keep a regular Book or Books in which shall be entered the Names of all the Persons who shall be in his Custody, together with various Particulars specifically mentioned in the said Act, from which Books, Returns of the Particulars so mentioned are by the said Act ordered to be made on the First Day of

of every Term to His Majesty's Court of King's Bench, and to be verified on the Oath of the Person making the same: And whereas it is expedient to simplify the Form of such Returns; be it therefore enacted, That from and after the passing of this Act the Returns from the said Penitentiary to be made and verified to His Majesty's Court of King's Bench on the First Day of every Term, shall be deemed sufficient, provided they contain the following Particulars, (that is to say) the Number of Convicts who shall actually be in the said Penitentiary, the Number of those who shall have been received or discharged since the Return then last preceding, the Number of those who shall have died in such Custody or shall have escaped therefrom since such last Return, and also a Statement of the general Health of the Convicts in the said Penitentiary.

The Committee may appoint a Deputy during the Absence of the Governor.

VIII. And whereas it is expedient to make Provision for the due Management of the said Penitentiary during the Absence or Sickness of the Governor, or during the Vacancy of that Office; be it therefore enacted, That in case of the Absence or Sickness of the Governor of the said Penitentiary, or in case of the Vacancy of that Office, or in case of any Event whatsoever which may prevent the Governor from personally discharging the Duties of his Office, it shall be lawful for the Committee of the said Penitentiary from Time to Time, by a written Order for that Purpose, to delegate and entrust to any One or more Person or Persons the Whole or any Part of the Duties or Powers belonging to the Office of Governor, as to the said Committee shall seem meet; and such Person or Persons shall be as fully competent to discharge and exercise the Powers and Duties so delegated and entrusted to him or them, and shall be as fully responsible for the proper Discharge and Exercise thereof, as the Governor of the said Penitentiary now is or hereafter shall be by virtue of any Act or Acts relating to the said Penitentiary; and all the Officers, Servants, and Convicts in the said Penitentiary shall be bound to obey the Person or Persons so exercising, under the Order of the said Committee, any of the Powers of the Governor, and shall be subject to the same Punishment and Consequences for Disobedience as if the Person disobeyed was actually the Governor of the said Penitentiary.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1827.