ANNO UNDECIMO

VICTORIÆ REGINÆ.

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C A P. VII.

An Act to amend an Act for consolidating the Queen's Bench, Fleet and Marshalsea Prison, and for regulating the Queen's Prison.

[28th *March* 1848.]

5 & 6 Vict. c. 22.

WHEREAS by an Act, intituled *An Act for consolidating the Queen's Bench, Fleet and Marshalsea Prisons, and for regulating the Queen's Prison,* passed in the Fifth Year of the Reign of Her Majesty, it is among other things enacted, that in the Queen's Prison the Male Prisoners shall be separated from the Female Prisoners, so as to prevent all Communication between them, and that the Prisoners shall be divided into Classes, and that the First Class shall be constituted of Debtors remanded by the Commissioners of the Court for the Relief of Insolvent Debtors on the Ground of Fraud, or for refusing to file a Schedule of their Property: And whereas Doubts have arisen as to the Construction and Application of so much of the above-recited Act as sets forth the Description of such Debtors as shall be comprised in the First Class: Be it therefore declared and enacted by the Queen'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 so much of the said Act as prescribes and sets forth that the First Class of Prisoners in the Queen's Prison shall comprise

So much of recited Act as relates to First-class Prisoners repealed.

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and be formed of Debtors remanded by the Commissioners of the Court of Insolvency on the Ground of Fraud, or for refusing to file a Schedule of their Property, shall be and is hereby repealed.

What Persons shall compose First-class Prisoners after passing of this Act.

II. And be it enacted, That from and after the passing of this Act the First Class of Prisoners in the Queen's Prison shall be composed of the Three following Descriptions of Persons; namely,

First.—Debtors adjudged under the Seventy-seventh, Seventy-eighth, and Ninety-sixth Clauses of the First and Second of *Victoria*, Chapter One hundred and ten, as not entitled to the Benefit of the said Act, and to be discharged at some future Period:

Secondly.—Debtors refusing or neglecting to file a Schedule of their Property when ordered to do so by the Court for the Relief of Insolvent Debtors under the Provisions of the Thirty-sixth Section of the First and Second of *Victoria*, Chapter One hundred and ten:

Thirdly.—Bankrupts against whom a Warrant may be issued and lodged by the Commissioners of Bankruptcy for Fraud or Contempt of Court.

Indemnity to Secretary of State and others for Acts already done in regard to Classification of Prisoners, &c.

III. And be it enacted, That this Act shall be and is hereby declared to be a full and complete Indemnity and Discharge to Her Majesty's Secretary of State and to the Keeper of the Queen's Prison respectively, and to all Persons acting under his or their Authority and Control, for all Things heretofore done or permitted to be done by the said Secretary of State or by the said Keeper or other Persons in regard to the Classification of the Prisoners in the Queen's Prison, and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to the Prejudice or Detriment of the said Secretary of State or the Keeper of the Queen's Prison, or any Persons acting under his or their Authority and Control.

In case of Illness or Absence of Keeper, Deputy Keeper to act.

IV. And be it enacted, That the Person appointed to act as Deputy Keeper of the Queen's Prison in case of the Illness or unavoidable Absence of the Keeper shall have all the Powers and execute all the Duties of the Keeper of the Queen's Prison, and the Keeper of the Queen's Prison shall be civilly responsible for all Acts and Omissions of his Deputy Keeper.

Tipstaffs of Court of Chancery, &c. to give Security by Bond or otherwise to Keeper of Queen's Prison for faithful Discharge of Duties.

Penalty on Tipstaffs neglecting to give Security or

V. And be it enacted, That every Tipstaff of the High Court of Chancery, and of the Courts of Queen's Bench, Common Pleas, and Exchequer, shall and he and they is and are hereby required to give such Security, by Bond or otherwise, to the Keeper of the Queen's Prison for the Time being as the Commissioners of Her Majesty's Treasury or any Three or more of them shall direct, for the faithful Discharge of the Duties entrusted to them as such Tipstaffs of the said Courts respectively in regard to any Prisoners confined in the Queen's Prison; and the said Tipstaffs shall and they are hereby required to obey all such Directions and Instructions as they or either of them may from Time to Time receive from the said Keeper of the Queen's Prison or his Deputy in respect of such Prisoners; and every Tipstaff of the said Courts neglecting or refusing to give such Security when required so to do, or not obeying the Directions and

Instructions of the Keeper of the Queen's Prison or his Deputy shall for every such Default forfeit and pay the Sum of One hundred Pounds, to be recovered in any of Her Majesty's Courts of Law, in such Manner as the said Commissioners of Her Majesty's Treasury may direct.

disobeying Instructions of Keeper of Queen's Prison.

VI. And whereas under the Provisions of Acts heretofore passed certain Penalties or Terms of Imprisonment are imposed upon Persons convicted of carrying or taking any spirituous or fermented Liquor into any Prison, and Power has been given by subsequent Acts to any Justice or Justices of the Peace before whom the Offender is convicted to reduce or lessen the Penalty or Term of Imprisonment, and it is expedient to alter such Provisions in regard to the Queen's Prison: Be it therefore enacted, That, so far as relates to the Queen's Prison established under the Act passed in the Fifth Year of Her present Majesty's Reign, the Power to reduce or lessen any Penalty or Term of Imprisonment shall no longer exist; and if any Person, in contravention of the existing Rules of the said Prison, shall carry or take or shall attempt to carry or take into the Queen's Prison any spirituous or fermented Liquor, it shall be lawful for the Keeper of the said Prison or his Deputy, or any Turnkey or other Person acting under his or their Authority, to apprehend or cause to be apprehended any Person so offending, and to convey him or her before a Justice of the Peace, who is hereby empowered to hear and determine such Cases in a summary Manner; and if the said Justice shall convict any Person of such Offence, he shall commit such Offender to the Common Gaol or House of Correction, there to be kept in Custody for any Period not exceeding Three Months, without Bail or Mainprize, unless such Offender shall immediately upon Conviction pay down such Sum of Money as shall be adjudged by the said Justice, not exceeding Ten Pounds nor less than Three Pounds: Provided nevertheless, that in every Case where it shall be proved that the spirituous or fermented Liquor was concealed about the Person of the offending Party in Bladders or Skins, it shall not be lawful for any Justice to reduce such Penalty below the Sum of Ten Pounds; any Law, Custom, or Usage to the contrary notwithstanding.

Provisions of former Acts as to reducing Penalties, &c. for introducing spirituous Liquors into Queen's Prison, no longer to exist.

Persons acting in contravention of existing Rules as to introducing spirituous Liquors may be taken before a Justice, and summarily convicted.

Penalty for certain Offences not to be reduced below 10*l.*

VII. And be it enacted, That so much of an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for providing Relief for the poor Prisoners confined in the King's Bench, Fleet, and Marshalsea Prisons*, as provides that the Sum to be given to any one Prisoner shall not exceed Sixpence *per Diem*, shall be and the same is hereby repealed.

So much of 55 G. 3. c. 113, as restricts the Sum to be given to Prisoners to 6*d.* per Day repealed.

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