ANNO DECIMO

GEORGII IV. REGIS.

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C A P. LIV.

An Act for directing Reports to be made respecting Gaols in *Scotland*. [19th *June* 1829.]

WHEREAS the Gaols in *Scotland* are in general insecure and incommodious, and it is necessary that sufficient Gaols should be there erected and maintained: And whereas it is expedient that satisfactory Information should be obtained from the Magistrates of Royal Burghs, and from the Justices of Peace in *Scotland*, in regard to the best Mode of improving the same; 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 the Magistrates of every Royal Burgh of *Scotland* shall respectively prepare and transmit to One of His Majesty's Secretaries of State, on or before the Fifteenth Day of *November* next after the passing of this Act, a Report, setting forth the present State of the Gaol of which they respectively have Charge, in point of Accommodation, Security, and Repair; and in particular to say,

Magistrates of Royal Burghs to report the State of the Gaols before 15th November next.

First: What Number of Apartments such Gaol consists of; how they are respectively heated and ventilated; and what is the Length, Breadth, and Height of each; distinguishing those Apartments generally used for Prisoners confined on Criminal Warrants from those under other Warrants, and distinguishing the Apartments used for Males from those used for Females; also, showing how far each of such Apartments is sufficiently secure.

Second: The Number of Prisoners committed in the Course of the Two immediately preceding Years respectively; specifying the Number of Persons committed for Payment of Penalties under Revenue Statutes; and distinguishing Debtors from those committed on other Warrants, and Males from Females.

Third: The greatest Number of Prisoners confined at any One Time in each of the said Years respectively; distinguishing Debtors from those committed on other Warrants, and the Monthly Average Number of such Prisoners respectively during the said Periods.

Fourth: What Classification of Prisoners the Gaol admits of; whether Debtors have at any Time been confined or made to communicate with Prisoners under Criminal Warrants; and whether Prisoners, prior to Conviction, have been confined in the same Apartment or have been allowed to communicate with those who have been convicted.

Fifth: Whether any Airing Grounds are attached to the Gaol, and what may be the Extent thereof; what Provision is made, and Accommodation set apart, for Prisoners when sick, and what for Prisoners under Sentence of Death.

Sixth: The Number of Persons employed as Keepers and Under Keepers; the Salaries and Emoluments received by each; and whether they or any of them have any other Employment; whether they reside within the Gaol, or continue there during the Night.

Seventh: The Period when such Gaol was erected, and when it last received any material Addition, and of what Description and Extent such Addition was.

Eighth: By whom, at whose Expence, and whether by any and what Act of Parliament, such Gaol was erected or enlarged, and by whom it is maintained.

Ninth: Whether such Gaol is sufficient for its proper Purposes, in point of Size, Accommodation, Security, and Repair; and if insufficient, in which of such respects.

Tenth: If such Gaol be insufficient in any of the said respects, how far it may appear that it requires to be rebuilt, or to be enlarged, and to what Extent; and how far the present Site admits of such rebuilding or Enlargement, including Airing Ground.

Eleventh: Any additional Observations which may be deemed important.

Provided also, that the said Report shall set forth the Measures which may be considered the most proper to be adopted for remedying the Defects which may be so found to exist, and for establishing suitable Gaol Accommodation in the County within which such Burgh may be situated, together with the Mode in which the Expence attending the same ought reasonably to be defrayed, and if by more Parties than One, in what Proportion such Parties ought respectively to contribute.

Meetings of Justices to take State of Gaols into Consideration.

II. And be it enacted, That a Meeting of the Justices of the Peace of every County of *Scotland* shall be held in the Head Burgh thereof on the Twenty-eighth Day of *August* next after the passing of this Act, or where there is no Head Burgh in any such County, at the Place where the *Michaelmas* Head Court of Freeholders usually meets,

for the Purpose of taking into Consideration the State of the several Gaols situated in each County respectively.

What Persons shall have Voice at such Meetings.

III. And be it enacted, That no Person shall be entitled to have a Voice or Vote in this or any other Meeting of Justices of the Peace of every County, to be held under this Act, who shall not at the Time be possessed of the *Dominium utile* of Lands situated in such County valued at not less than One hundred Pounds *Scots* of valued Rent, excepting only the Sheriff Depute of the County, and in his Absence the Principal Sheriff Substitute thereof, any of whom, if County Justices, shall be entitled to act as Justices of the Peace under this Act, although they may not be possessed of the said Qualification: Provided always, that in the County of *Sutherland* any Justice of the Peace who shall be a proper Wadsetter of Lands in the said County valued at not less than One hundred Pounds *Scots* of valued Rent shall be entitled to act as a Justice under this Act.

Committees may be appointed at such Meetings to inspect Gaols;

IV. And be it enacted, That it shall and may be lawful for the Justices at the said Meeting, and they are hereby required, to appoint a Committee or Committees of their Number to inspect the said Gaols, and to report to an adjourned Meeting of the said Justices, to be held at such Time and Place as the said Justices may then fix upon, in regard to the present State of such Gaols in point of Accommodation, Security, and Repair, as to all and each of the several Particulars in respect to which the Magistrates of Royal Burghs are by the Provisions of this Act as aforesaid required to report.

who shall have free Access thereto.

V. And be it enacted, That the Keepers of Gaols shall give free Access thereto to the Members of such Committees, and shall exhibit to them all Records and other Documents relative to such Gaols, and otherwise afford to them every Information touching the same in their Power.

Committees to report to adjourned Meetings of Justices, who shall take the same into Consideration.

VI. And be it enacted, That the said Committees shall and they are hereby required forthwith to prepare a Report setting forth the Result of such Inquiry, and to present the same to such adjourned Meeting of the said Justices, who are hereby required to take the same into Consideration, and either then or at a subsequent adjourned Meeting to prepare a General Report, comprehending the Particulars so reported from their Committees, and setting forth the Measures most proper to be adopted for remedying the Defects which may be found to exist in such Gaols, and for establishing suitable Gaol Accommodation in the County, together with the Mode in which it shall appear to such Justices that the Expence attending the same ought reasonably to be defrayed, and if by more Parties than One, in what Proportions such Parties ought respectively to contribute.

Reports to be transmitted to Secretary of State and to His Majesty's Advocate for Scotland.

VII. And be it enacted, That the said Justices shall and they are hereby required to transmit such Report to One of His Majesty's Secretaries of State on or before the Fifteenth Day of *November* next after the passing of this Act, and shall cause a Copy thereof to be transmitted to His Majesty's Advocate for *Scotland;* and the Magistrates of Royal Burghs shall in like Manner cause a Copy of the Reports

Reports to be furnished by them as aforesaid to be transmitted to His Majesty's Advocate for *Scotland*.

Contents of Reports to the Secretary of State.

VIII. And be it enacted, That the said Reports, so to be transmitted to the Secretary of State, shall also set forth the Mode in which Aliment is in use to be provided for Prisoners in such Gaols, distinguishing Civil Debtors from such Persons as are confined under Revenue Statutes, and Prisoners under Criminal Warrants before Conviction from those subsequent to Conviction; and the said Report shall also set forth any Changes in regard to the Mode of providing such Aliment which may have taken place, specifying at what Date such Change took place, and what may have been the Nature of the same, and further, in what Way and at whose Expence it shall appear reasonable to the said Magistrates of Burghs and Justices of the Peace respectively that such Aliment should in future be provided, and if by more Parties than One, in what Proportions such Parties ought respectively to contribute.

Joint Reports may be made by Burghs and Counties.

IX. And be it enacted, That it shall be held and taken to be a sufficient Compliance with the Provisions of this Act, that a Report in Terms thereof be furnished by the Magistrates of the Burghs and the Justices of the Peace for any County jointly, where these Parties may mutually agree as to the Tenor of the same.

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