ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

C A P. XXV.

An Act for the Government of the Convict Prisons in Her Majesty's Dominions Abroad.

[19th *April* 1859.]

WHEREAS it is expedient to consolidate and amend the Provisions of the Acts now in force relating to the Control and Management of Offenders sent to be kept to Hard Labour in Parts of Her Majesty's Dominions out of *England:* Be it therefore 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, as follows:

Acts and Parts of Acts repealed, viz.: 5 G. 4. c. 84. 11 G. 4. & 1 W. 4. c. 39.

I. Such Parts of an Act of the Fifth Year of King *George* the Fourth, Chapter Eighty-four, "for the Transportation of Offenders from "*Great Britain*," as relate to the Control and Management of Offenders sent to be kept to Hard Labour at Places out of *England* duly appointed for the Purpose, and such Parts of an Act passed in the Session holden in the Eleventh Year of King *George* the Fourth and First Year of King *William* the Fourth, Chapter Thirty-nine, "to amend an Act passed

" in the Fifth Year of His present Majesty for the Transportation of " Offenders from *Great Britain*, and for punishing Offences committed " by Transports kept to Hard Labour in the Colonies," and of an Act passed in the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Twenty-six, " for abolishing the Office of " Superintendent of Convicts under Sentence of Transportation," as relate to the Appointments of Superintendent, Deputy Superintendent, and Overseer, respectively, in the aforesaid Places out of *England*, are hereby repealed.

9 & 10 Vict. c. 26.

Extent of the Act.

II. This Act shall apply to the Convict Prisons or Establishments at *Bermuda* and *Gibraltar*, and in or at any other Colony or Place in Her Majesty's Dominions abroad which may hereafter be appointed by Her Majesty for the Confinement of Offenders and keeping of them to Hard Labour.

Powers of Directors of Convict Prisons vested in the Governor of the Colony, and may be conferred on other Officers as Visitors.

III. The Governor of the Colony in which any such Convict Prison or Establishment is situated shall by virtue of his Office have, in respect of such Prison and Establishment, all the Powers of the Visiting Justices of a County Gaol in *England*, or of a Director of Convict Prisons in *England:* The same Powers may also be exercised by any Officer or Officers who may be appointed Visitors by the Governor of the Colony, with the Sanction of One of Her Majesty's Principal Secretaries of State.

Principal Officers.

IV. It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint, and at his Pleasure to remove, a Chief Officer of the Convict Prison or Establishment by the Title of Comptroller or of Superintendent of the Convict Prison or Establishment, and also a Deputy Comptroller or Superintendent, a Chaplain, a Surgeon, and One or more Assistant Chaplains or Assistant Surgeons; and it shall be lawful for the Governor of the Colony, in case he shall think it necessary so to do, to suspend any of the Officers so appointed by the Secretary of State until the Pleasure of the Secretary of State shall be known.

Subordinate Officers.

V. It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint and at Pleasure to remove any or all of such subordinate Officers as may be necessary for the Service and Discipline of the Prison or Establishment, or to authorize the Governor of the Colony to appoint any or all of such Officers; and it shall be lawful for the Governor of the Colony to dismiss any of these subordinate Officers, whether appointed by himself or by the Secretary of State.

VI. The

VI. The Comptroller shall have the same Powers over the Convicts as are incident to the Office of Sheriff or Gaoler in *England*, and shall be liable to the same Punishment for Abuse of those Powers or other Misbehaviour or Negligence in the Discharge of his Office. Power of Comptroller.

VII. The Secretary of State shall have Power to establish Regulations for the Government of the Convict Prison or Establishment, and for the Conduct and Duties of the Comptroller and all other Officers, and for the Diet, Clothing, Maintenance, Employment, Discipline, and Punishment of the Convicts; and all such Regulations shall be binding both upon the Officers of the Convict Prison or Establishment and upon the Convicts. Power to Secretary of State to make Regulations.

VIII. Every Convict lawfully committed to the Custody of the Comptroller of the Convict Prison or Establishment shall continue there until he shall become entitled to his Freedom, or shall be absolutely or conditionally pardoned, or shall, by Order of One of Her Majesty's Principal Secretaries of State, be either transported to some other Colony, or removed to some other Prison, or discharged with Licence to be at large on such Conditions as in the said Order may be expressed. As to Detention, Removal, and Discharge of the Prisoners.

IX. No Convict who is labouring under any acute or dangerous Distemper shall be discharged unless at his own Desire. Discharge of Convicts dangerously ill.

X. If any Officer or other Person, except for a lawful Purpose and with the written Authority or Licence of the Comptroller, bring into the Convict Prison or Establishment, or convey to any of the Convicts on their Way to or from the Public Works, or whilst employed on those Works, or attempt so to bring or convey, any spirituous or fermented Liquor, he shall for any such Offence be liable to a Penalty not exceeding Twenty Pounds, or to be imprisoned, with or without Hard Labour, for a Period not exceeding Three Months, and any such Offender may be apprehended and carried before a Justice of the Peace, and the Case be heard and determined by such Justice in a summary Way. Penalties for Introduction of Spirits and fermented Liquors into Prisons.

XI. If any Officer or other Person, except for a lawful Purpose and with the Authority or Licence of the Comptroller, bring into the Convict Prison or Establishment, or throw into it, or convey or attempt to convey to any of the Convicts on their Way to or from the Public Works, or whilst employed on those Works, any Tobacco, Money, Clothing, Provisions, Letters, Papers, Books, or other Articles not expressly allowed by the Rules of such Prison or Establishment to be in the Possession of a Convict, or (by Desire of any Convict) carry any such Penalties for the Introduction of prohibited Articles into Prisons.

such Articles out of such Prison or Establishment, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, or to Imprisonment, with or without Hard Labour, for a Period not exceeding Three Months; and every such Offender may be apprehended and taken before a Justice of the Peace, and the Case be heard and determined by such Justice in a summary Way.

Punishment for Assaults upon Officers of the Prison;

XII. If any Person assault or violently resist any Officer of the Prison in the Execution of his Duty, or aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable, on summary Conviction before a Justice of the Peace as aforesaid, to a Penalty not exceeding Twenty Pounds, or to Imprisonment, with or without Hard Labour, for a Period not exceeding Three Months; or, if the Offender be One of the Convicts, he shall for every such Offence be liable, on Conviction before such Court as is herein-after mentioned, to be kept in Penal Servitude for any Term not exceeding Two Years.

for Escape or Attempt to escape;

XIII. Every Convict who breaks Prison, or escapes during the Time of his Conveyance to or from the Convict Prison or Establishment, or whilst on his Way to or from the Public Works, or during the Time of his Employment on those Works, shall be liable, on Conviction, to be kept in Penal Servitude for any Term not exceeding Two Years, and upon any Second or subsequent Conviction for a like Offence shall be liable to be kept in Penal Servitude for any Term not exceeding Five Years; and any Convict who attempts to break Prison or escape as aforesaid, or who forcibly breaks out of the Cell or other Place in which he is confined, or makes any Breach therein with Intent to escape, shall, on Conviction thereof, be liable to be kept in Penal Servitude for any Term not exceeding One Year.

for Rescue or Promotion of Rescue;

XIV. Every Person who rescues or attempts to rescue a Convict during the Continuance of his Sentence to be imprisoned, and every Person who aids in such Rescue or Attempt to rescue, shall be liable, on Conviction, to be sentenced to Penal Servitude for any Term not exceeding Five Years.

for supplying Means of Escape;

XV. Every Person who supplies any Arms, Tools, or Instruments, or any Means of Disguise, to facilitate the Escape of a Convict, or who in any other Manner assists any Convict to escape or Attempt to escape, whether an Escape be actually made or not, shall be liable, on Conviction, to be sentenced to Penal Servitude for any Term not exceeding Five Years.

XVI. Every

for wilfully permitting Escape;

XVI. Every Person having the Custody of a Convict who shall knowingly and wilfully allow him to escape shall be liable, on Conviction, to be sentenced to Penal Servitude for any Term not exceeding Five Years.

and for negligently permitting Escape.

XVII. Every Person having the Custody of a Convict who, through Negligence and Carelessness, allows any such Convict to escape, shall be liable, on Conviction, to Fine and Imprisonment, at the Discretion of the Court.

Commencement of Term of Penal Servitude under this Act of a Convict.

XVIII. Every Term of Penal Servitude to which any Convict is made liable under this Act shall be a Term to commence from the Expiration of any unexpired Term of Transportation or Penal Servitude to which such Convict may have been sentenced, or if there be more than One such Term, then from the Expiration of the last such Term.

Offences how to be tried.

XIX. Every Offence under this Act (not expressly made punishable on summary Conviction) shall be inquired of, heard, and adjudged by the Court which, by the Law of the Colony or Place where the Offence is committed, has or may have Jurisdiction in Cases of Felony, or of Crimes which, if committed in *England*, would be deemed Felonies.

Annual Report to be made.

XX. The Comptroller, Chaplain, and Surgeon respectively of the Convict Prison or Establishment shall, within the first Three Weeks after the Commencement of each successive Calendar Year, submit to the Governor of the Colony a General Report on such Matters relating to such Convict Prison or Establishment and the Convicts therein as One of Her Majesty's Principal Secretaries of State or the Governor of the Colony may from Time to Time direct; and such Reports shall be forwarded by the Governor of the Colony to the Secretary of State within Three Weeks next following, so that the Reports shall always be despatched within Six Weeks from the Commencement of the Year at latest, and earlier if possible.

Half-yearly Returns.

XXI. The Comptroller of the Convict Prison or Establishment shall make Returns specifying the Name of every Person in Custody in such Prison or Establishment, the Offence of which he was found guilty, the Court before which he was convicted, and the Sentence of such Court, together with his Age and bodily State, and his Behaviour whilst in Custody; and also the Names of such Offenders as have died whilst in such Custody, or have escaped, or have been lawfully discharged from the same; which Returns shall be made to One of

Her Majesty's Principal Secretaries of State on the First Day of *January* and First Day of *July* in every Year, or oftener, if directed by the Secretary of State, and shall be attested by the Oath of the said Comptroller before a Justice of the Peace.

Short Title.

XXII. This Act may for all Purposes be cited as "The Convict Prisons Abroad Act, 1859."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1859.