CAP. LXXVI.

An Act for the Formation, Regulation, and Government of Convict Prisons in *Ireland*. [7th *August* 1854.]

'WHEREAS it is expedient to amend the Laws now in force relating to Convict Prisons and Hulks, and to establish Rules and Regulations for the Government of Prisons or Hulks set apart for the Reception of Prisoners under Rule or Order of Transportation or of Penal Servitude, in *Ireland*: And whereas it is expedient that all the Powers relating to Convict Depôts, Hulks, or Prisoners under Rule or Order of Transportation, set forth in the Act passed in the Seventh Year of His Majesty King *George* the Fourth, Chapter Seventy-four, or any other Act, should be vested in Directors to be appointed as herein-after mentioned:' Be it 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:

So much of 7. G 4. c. 74. as relates to Hulks, &c. repealed.

I. So much of the Act passed in the Seventh Year of His Majesty King George the Fourth, Chapter Seventy-four, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, as relates to Hulks, Penitentiaries, or Convict Depôts, or to the Classification, Government, and Inspection of the Prisoners confined therein, or to the supplying of Clothing for any Prisoners under Rule or Order of Transportation by the Local Inspector of any Gaol, shall be and they are hereby repealed.

Power to Lord Lieutenant to set apart Places, &c. for Convict Prisons.

II. It shall and may be lawful for the Lord Lieutenant, by Warrant to be published in the *Dublin Gazette*, to set apart and appoint Places of Confinement either at Land or on board Vessels to be provided for that Purpose for Prisoners under Sentence or Order of Transportation or of Penal Servitude; and all such Places of Confinement so set apart and appointed, and all Yards, Offices, Grounds, and Premises thereunto pertaining, shall be held to be and considered "Convict Prisons."

Convict Prisons to be free from all Rates, Taxes, &c.

III. All Convict Prisons now established or hereafter to be established, and all Lands, Buildings, Tenements, and Hereditaments thereunto belonging, with the Appurtenances thereof, and all Persons in respect thereof, shall be wholly freed and discharged from all Taxes, Rates, Assessments, and public Charges whatsoever.

Lord Lieutenant to appoint Directors of Convict Prisons.

IV. It shall and may be lawful for the Lord Lieutenant to appoint not more than Three Persons to be Directors of the said Convict Prisons, with such Salaries as the Commissioners of Her Majesty's Treasury shall approve, and the said Directors shall, subject to the Directions which they may from Time to Time receive from the Chief Secretary to the Lord Lieutenant, have the Control and Management of all the said Convict Prisons, and of all Prisoners confined therein; and it shall and may be lawful for the Lord Lieutenant to appoint One of such Persons to be Chairman of such Directors, and One of them, or One other Person, to act as Secretary and Accountant, and from Time to Time to remove any of such Persons to be so appointed, and to appoint another or others in his or their Stead; and the said Directors shall be One Body Politic and Corporate, by the Name of the "Directors of Convict Prisons for *Ireland*," and by that Name have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have Power and Authority to take and purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, or any other Act or Acts amending the same.

Directors empowered to contract for Diet, Clothing, and Manufactures for Convict Prisons.

V. The said Directors of Prisons shall have Power to make Contracts with any Persons whosoever for the Clothing, Diet, and other Necessaries, for the Maintenance and Support of the Convicts confined in Convict Prisons in *Ireland*, and for the Implements and Materials for any kind of Manufacture, Trade, or Works in which Convicts confined in such Prisons shall be employed, and also to carry on such Manufacture, Trade, or Works in such Prisons, and to sell such Goods, Wares, and Merchandise as shall be there wrought or manufactured; and also to carry on any Works in any Place outside such Prisons, where the Chief Secretary shall direct.

VI. The

Directors to report to Chief Secretary and to Parliament annually.

VI. The said Directors of Prisons shall, on or before the Tenth Day of *March* in each Year, and oftener if required by the Chief Secretary, make a Report in Writing under their Hands to the Chief Secretary, specifying the State of the Buildings, the Behaviour and Conduct of the Officers of the several Convict Prisons, and of the Convicts, the Amount of the Earnings of the Convicts, and the Expense of all such Convict Prisons, the Rules and Regulations made by them, and such other Matters relating to the Discipline and Management of such Prisons as the said Directors shall deem expedient, or as the said Chief Secretary shall direct; and every such Report shall be laid before both Houses of Parliament within One Calendar Month next after the Receipt thereof, if Parliament be then sitting, or if not, then within One Calendar Month after the then next Meeting of Parliament.

Appointment of Officers.

VII. It shall and may be lawful for the Lord Lieutenant to appoint for each Convict Prison in *Ireland* a Governor, Chaplain or Chaplains, a Medical Officer or Medical Officers, and such other Officers and Servants as shall be deemed to be necessary for the Service and Discipline of such Prison, and to remove all or any of them, and to fix the Salaries to be paid to the said Governor, Chaplain or Chaplains, Medical Officer, and all other Officers and Servants so appointed, subject to the Approval of the Commissioners of Her Majesty's Treasury.

Directors of Prisons may require Officers to give Security.

VIII. It shall be lawful for the said Directors of Prisons, if they shall deem it necessary, to require any Person employed in the Convict Service in *Ireland* to give Security for the due Performance of his Duties, in such Sums, and with such collateral Securities, and in such Form as the Lord Lieutenant shall direct.

Power to remove dismissed Officers refusing to give up Possession of Houses, &c.

IX. If any Person appointed to any Office or Employment in any Convict Prison in *Ireland*, who shall be removed from his Office or Employment, shall refuse or neglect to quit the said Prison, or to give up Possession of any House, Building, or Apartment therein or belonging thereto, within such Period as shall be fixed in any Order or Notice in Writing, to be signed by the Directors of Prisons, not being less than Forty-eight Hours after the Delivery to such Person of any such Order or Notice, then it shall be lawful for any Justice of the Peace acting for the County in which the Convict Prison is situate, on the Application of any One of the said Directors, by Warrant under the Hand and Seal of such Justice, to direct the Sheriff of the County to remove such Person out of the Prison; and the said Sheriff shall thereupon clear the Possession thereof, so far as relates to any Part of the Prison, or any House, Building, or Apartment therein or belonging thereto, occupied by or in possession of such Person, in like Manner as upon a Writ of Habere facias possessionem.

Directors to make Rules for Convict Prisons, subject to Approval of Chief Secretary.

X. It shall and may be lawful for the said Directors of Prisons to make, and from Time to Time to alter, Rules for the Regulations of all Convict Prisons in *Ireland*, and for the Duties and Conduct of the Governors and other Officers of the said Prisons, and for the Diet, Clothing, Maintenance, Employment, Instruction, Discipline, and Correction of the Convicts imprisoned therein; provided nevertheless, that no Rule, whether it be original, or any Amendment or Revocation of a former Rule, shall be enforced until it shall have been approved of by the Chief Secretary.

Offenders under Sentence of Transportation or Penal Servitude may be removed from and to Government Prisons.

XI. It shall be lawful for the Chief or Under Secretary to direct the Removal from and to any Convict Prison of any Convict under Sentence or Order of Transportation or Penal Servitude, who shall appear by the Certificate of the Medical Officer of the Gaol to be freed from any putrid or infectious or cutaneous Distemper, and fit to be removed from the Gaol, Prison, or other Place in which such Offender shall be confined; and the Sheriff or Gaoler having the Custody of any Convict whose Removal to a Convict Prison shall be ordered in manner aforesaid, shall, when so required to do, deliver up the said Convict to the Constabulary Officer or other Officer or Person who shall produce the said Order so made as aforesaid, together with a Copy, attested by the said Sheriff or Gaoler, of the Sentence and Date of Conviction of such Convict, and also a Return specifying such other Particulars within the Knowledge of the said Sheriff or Gaoler concerning such Convict as may be from Time to Time directed by the Chief or Under Secretary of the Lord Lieutenant: And the said

said Constabulary Officer or other Officer or Person shall give a Receipt to the said Sheriff or Gaoler for such Convict, and shall thereupon, with all convenient Despatch, convey and deliver up any such Convict, with the said attested Copy and Return, into the Custody of the Governor of the Convict Prison mentioned in the said Order; and the said Governor shall give a Receipt in Writing for every Convict so received into his Custody to such Constabulary Officer or other Officer or Person as his Discharge.

As to Employment of Convicts at Work.

XII. Such Convicts may be employed in Work every Day in the Year except *Sundays*, *Christmas Day*, *Good Friday*, and any other Day or Days appointed for a general Fast or Thanksgiving, or any Holiday or Holidays as may be fixed and stated in the General Rules to be made by the Directors of Prisons, to be appointed under this Act, for so many Hours, not exceeding Twelve, exclusive of the Time allowed for Meals and Exercises, as the said Directors shall order: Provided always, that the said Directors, by a written Order, may allow any Convict at his own Request to labour for a longer Time than is required by the Rules to be made as aforesaid.

As to Discharge of Convicts.

XIII. No Convict who shall have been received into the Custody of the Governor of any such Convict Prison shall be dismissed from the said Prison at the End or other Determination of his Term, if he shall then labour under any acute or dangerous Distemper, unless at his Request, and when such Convict shall be finally discharged such decent Clothing and such Assistance in Money or otherwise as shall be judged proper by the Directors shall be given to such Convict.

None but certain Persons to enter Convict Prisons.

XIV. No Person, except the Judges of Her Majesty's Superior Courts of Law in *Ireland*, the Judges of Assize, the Directors, Officers, and Servants of the Prison, or such other Persons as shall be authorized by the Directors or by the Rules to be made under this Act, shall be allowed at any Time to enter any Part of any Convict Prison, or to converse or hold Communication of any kind with any of the Prisoners.

Governor to have the same Power over Prisoners in his Custody as the Sheriff or Gaoler.

XV. After the Delivery of any such Convict as aforesaid into the Custody of the Governor of any Convict Prison, such Governor, or other Person having the Custody of Convicts under his Direction, shall, during the Term for which such Convict shall be ordered to remain in his Custody, have the same Powers over such Convicts, whether within or without the Prison, as are incident to the Office of Sheriff or Gaoler, and in case of any Abuse of such Custody, or other Misbehaviour or Negligence in the Discharge of his Office, shall be liable to the same Punishment to which a Gaoler is now liable by Law.

Directors may order Convicts to be punished by close Confinement, or by personal Correction.

XVI. In case any Convict shall be guilty of any repeated Offence against the Rules of the Prison, or shall be guilty of any greater Offence than the Gaoler or Keeper is by this Act empowered to punish, the said Gaoler or Keeper shall forthwith report the same to the Directors, or One of them, for the Time being; and any One such Director shall have Power to inquire upon Oath, and to determine concerning any such Matter so reported to him or them, and to order the Offender to be punished by close Confinement for any Term not exceeding One Month, or by personal Correction.

Additional Punishment to Convicts escaping, breaking or attempting to break Prison.

XVII. Every Prisoner who shall be ordered to be detained in any Convict Prison, who at any Time shall break Prison, or who while being conveyed to such Prison shall escape from the Person or Persons having the lawful Custody of such Prisoner, shall be punished by an Addition, not exceeding Two Years, to the Term of his Sentence; and every Prisoner in any Convict Prison who at any Time shall attempt to break Prison, or who shall forcibly break out of his Cell, or make any Breach therein with Intent to escape therefrom, or shall escape or attempt to escape when at Work outside the Prison, shall be punished by an Addition, not exceeding One Year, to the Term of his Imprisonment.

Punishment of Persons rescuing or attempting to rescue Convicts.

XVIII. Every Person who shall rescue any Convict who shall be ordered to be imprisoned in any Convict Prison, either during the Time of his Conveyance to or from any Convict Prison or of his Imprisonment therein, and also every Person who shall aid in any such Rescue, shall be guilty of Felony; and every Person having the Custody of any such Convict as aforesaid, or being employed by the Person having such Custody as a Keeper, Underkeeper, Turnkey, Assistant, or Guard, who shall knowingly and willingly allow any such Convict

Convict to escape; also every Person who, by supplying Arms, Tools, or Instruments of Disguise, or otherwise, shall in any Manner aid any such Convict in any Escape, though no Escape be actually made; and every Person who shall attempt to rescue any such Convict, or aid in any such Attempt, though no Rescue be actually made, shall be guilty of Felony; and every Person having such Custody as aforesaid who shall carelessly allow any such Convict to escape shall be guilty of a Misdemeanor, and being lawfully convicted of such Misdemeanor, shall be liable to Fine or Imprisonment, or to both, at the Discretion of the Court.

Punishing Officers for furnishing Convicts with prohibited Articles.

XIX. Every Officer or Servant of any Convict Prison, or any other Person or Persons, who shall bring in or carry out, or endeavour to bring in or carry out, or knowingly allow to be brought in or carried out, to or for any Convict, or carry to any Convict while employed outside the Prison Walls, any Money, Clothing, Provisions, Tobacco, Spirits, Letters, Papers, or other Articles whatsoever, not allowed by the Rules of the said Prison, shall, if an Officer or Servant of the Prison, be subject to Dismissal from Office, or if it be thought fit, such Officer or other Person or Persons shall, upon the Order of any of the Directors of Prisons, be apprehended and carried before a Justice of the Peace, who shall be empowered to hear and determine any such Offence in a summary Way; and every such Officer or Servant, or other Person or Persons, upon Conviction of such Offence before a Justice of the Peace, shall be liable to pay a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justice, to be imprisoned in the Common Gaol or House of Correction, there to be kept, with or without Hard Labour, for any Period not exceeding Six Calendar Months.

Directors may act as Justices of the Peace.

XX. It shall be lawful for the Directors of Prisons, or any of them, and he or they are hereby authorized, in any Prison, either on Land or on board any Vessel, and also in every Place wherein any Offenders under Rule or Order of Sentence of Transportation or Penal Servitude shall be detained, or shall be employed to labour, to act in every respect as a Justice or Justices of the Peace as if he or they had been named in the Commission of the Peace, and had been duly qualified to act as a Justice or Justices of the Peace for the County or Place in which such Place of Confinement or Convict Prison shall be, or any Convict shall be employed to labour.

Penalty for false Evidence.

XXI. Every Person who, upon Examination on Oath or Affirmation before the said Directors of Prisons, or any of them, shall wilfully give false Evidence, shall be liable to the Pains and Penalties of Perjury.

Protection of the Directors and Officers of Convict Prisons.

XXII. The Provisions of all Acts of Parliament for rendering Justices of the Peace more safe in the Execution of the Duties of their Office shall extend to the Directors, or any of them, and the several Governors or other Officers of Convict Prisons acting in the Execution of this Act.

Limitation of Actions.

XXIII. All Actions, Suits, and Prosecutions to be commenced against any Person or Persons for anything done in pursuance of this Act shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise nor afterwards.

Mode of Trial and Conviction.

XXIV. Every Convict or other Person who shall commit any Offence mentioned in this Act, or in any way relating to any Convict Prison for which he is not liable to be summarily convicted, may be tried before the Justices of Oyer and Terminer at *Dublin*, or for the County in which the Offender shall be taken, and in any Case of any Prosecution for any such Offence, either against a Convict or against any other Person or Persons concerned therein or accessory thereunto, a Copy, properly attested, of the Order of Commitment to such Prison, with Proof that the Person then in question before the Court is the same who was delivered with such Order, and Production of the Register of the said Prison shall be sufficient Evidence of all the Facts entered in such Register as to such Convict without the Production of any Record of Conviction or other Proof that such Convict had been convicted of Felony, and legally ordered to be imprisoned in any Convict Prison.

Convict Clothing to be furnished by Directors of Prisons.

XXV. From and after the passing of this Act all Prison Clothing required to be supplied to Convicts on Removal to Convict Prisons from any Gaol or other Place of Confinement in *Ireland* shall be provided by the Directors of Prisons.

XXVI. No

Officers not to be concerned in Contracts, &c.

XXVI. No Governor or other paid Officer of any Convict Prison shall, either in his own Name or in the Name of any other Person, provide, furnish, or supply for his own Profit any Materials, Goods, or Provisions for the Use of any Convict Prison, nor shall be concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, under Pain of forfeiting the Sum of One hundred Pounds, with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Dublin*.

Penalty 100*l*.

Clerks of Crown and Peace to furnish Schedule of Convicts.

XXVII. It shall and may be lawful for the respective Clerks of the Crown, and they are hereby required, at each Assizes and General Gaol Delivery in every Town, County of a City, and County of a Town in *Ireland*, and at every Special Commission of Oyer and Terminer and Gaol Delivery therein, and at every Term or Session of the Commission of Oyer and Terminer and Gaol Delivery for the County of *Dublin*, or for the County of the City of *Dublin*, and the respective Clerks of the Peace are also hereby required at each Quarter Sessions to furnish the Commissioners of Prisons with a complete Schedule, duly signed, in the Form to this Act annexed, of the several Prisoners brought to Trial and sentenced to Transportation or to Penal Servitude at such Assizes and General Gaol Delivery, and at such Special Commission, and at each and every Term or Session of the Commission of the County of *Dublin*, and of the County of the City of *Dublin*, respectively, and at each and every Quarter Sessions, specifying the particular Crime of which each Prisoner was accused, and stating the Sentence of the Judge on each Trial, and whether the said several Sentences have been executed respectively, or whether the whole or any and what Part or Parts of them have been remitted, and to transmit the same to the said Directors of Prisons within Ten Days after the Termination of the said Assizes, Gaol Delivery, or Quarter Sessions aforesaid, and the Copy of the said Schedule, or all or any Part thereof, duly certified by the Directors of Prisons, shall be deemed to be a Caption, and due and sufficient Evidence of the Order or Rule of Court in respect of any such Prisoner.

Officers of the Convict Prisons to be within the Provisions of the several Superannuation Acts.

XXVIII. The Directors to be appointed by the Lord Lieutenant under this Act, and the Governors, and all inferior Officers whatsoever belonging to Convict Prisons in *Ireland*, shall be within the Provisions of the several Acts passed for regulating Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in Her Majesty's Service, to all Intents and Purposes as if the said Directors, Governors, and Officers of the said several Convict Prisons had been mentioned in the Schedules to the said Acts.

Penalty on Persons trespassing on Grounds, &c. pertaining to Convict Prisons.

XXIX. All Persons who shall be found trespassing upon any Grounds, Buildings, Yards, Offices, or other Premises whatsoever, belonging or pertaining to any Convict Prison, or shall enter the same without being an Officer of the said Prison, or authorized by Leave by any of the Directors of Prisons, or the Governor of the said Convict Prison, shall, upon Conviction thereof before a Justice of the Peace for the County in which any such Convict Prison may be situate, be adjudged to pay a Fine not exceeding for the First Offence Forty Shillings, to be recovered in the usual Way, or in default of Payment then the Offender may be sent to the Common Gaol, with or without Hard Labour, for any Period not exceeding One Month; and for a Second or subsequent Offence the Offender may be fined in any Sum not exceeding Five Pounds, to be recovered in the same usual Way, or in default to be liable to Imprisonment, with or without Hard Labour, for a Period not exceeding Three Calendar Months.

"Lord Lieutenant."

XXX. The Expression "Lord Lieutenant" shall be deemed to extend to and include any Chief Governor or Governors of *Ireland*.

SCHEDULE to which this Act refers.

Name.	Age.	Crime.	Sentence.	Date of Conviction.	Before whom tried.	Where tried.	Remarks.

Dated this Day } *A.B.*
of }
Clerk of the Crown
[*or* Peace] for

CAP. LXXVII.

An Act to provide for the Mode of passing Letters Patent and other Acts of the Crown relating to *India*, and for vesting certain Powers in the Governor General of *India* in Council. [7th *August* 1854.]

'WHEREAS Doubts may arise as to the Mode of passing Letters Patent and other 'Acts of the Crown relating to *India* in certain Cases where Her Majesty's Pleasure 'is to be signified under Her Royal Sign Manual, and it is expedient to remove such Doubts, 'and to provide an uniform Mode of proceeding in such Cases: And whereas it is expedient 'to provide for the Administration by the Governor-General of *India* in Council of such 'Parts of the Territories for the Time being under the Government of the *East India* 'Company as it may not be advisable to include in any Presidency or Lieutenant-Gover-'norship, and to vest in such Governor General of *India* in Council the Powers now 'vested in the Governor of the Presidency of *Fort William* in *Bengal*:' Be it enacted and declared, therefore, 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:

Warrants, &c. under Royal Sign Manual relating to India to be countersigned by President of Board of Control.

I. Whenever it shall please Her Majesty to cause Letters Patent to be issued under the Great Seal of the United Kingdom for the Nomination or Appointment of any Person to any Office in *India*, or to any Office relating to the Government thereof, or for any other Purpose whatsoever relating to *India*, the Warrant under Her Majesty's Royal Sign Manual for causing such Letters Patent to be passed under the said Great Seal shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other Person, and shall be sealed with the Privy Seal, for which sealing such Royal Sign Manual so countersigned shall be sufficient Warrant to the Lord Keeper of the Privy Seal, and such Warrant under the Royal Sign Manual, so countersigned and sealed as aforesaid, shall be a sufficient Authority to the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, for passing Letters Patent under such Great Seal, according to the Tenor of the same Warrant; and whenever Her Majesty's Royal Sign Manual is or may be required to any Warrant or Writing for the Appointment or Removal of any Person to or from any Office in *India*, or any Office relating to the Government thereof, or is or may be required to any Warrant or Writing, for the