CHAPTER 21.

An Act for the discontinuance of the Four Courts Marshalsea (Dublin), and the removal of Prisoners therefrom. [30th June 1874.]

WHEREAS the amendment of the law relating to imprisonment for debt, by the Debtors Act (Ireland), 1872, has reduced and will still further reduce the number of prisoners in the Four Courts Marshalsea, Dublin, and it is therefore expedient to discontinue the said prison, and to make such provisions as are in this Act contained:

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:

Short title.

1. This Act may be cited for all purposes as the Four Courts Marshalsea Discontinuance Act, 1874.

Interpretation of terms.

2. In this Act the term "Lord Lieutenant" shall mean the Lord Lieutenant or other chief governor or governors of Ireland for the time being.

Power to Lord Lieutenant to appoint prisons in lieu of Marshalsea.

3. At any time after the passing of this Act it shall be lawful for the Lord Lieutenant from time to time, by order to be published in the Dublin Gazette, to order and appoint that any county, borough, or city prison or prisons specified in such order, and which shall have been certified by the Inspectors General of Prisons, or one of them, as fit for such purpose, shall be a prison or prisons to which all persons who, before the passing of this Act might lawfully have been committed to the custody of the Marshal of the Four Courts Marshalsea, may be committed, and to which all persons who, at the time of the passing of this Act are in the custody of the said Marshal, may, unless lawfully discharged in the meantime, be removed.

Every such prison is in this Act referred to as a "certified prison."

Orders made to be taken as valid.

4. Every order purporting to be made under the authority of this Act by the Lord Lieutenant, shall be conclusive evidence of every fact and circumstance necessary to authorise the making thereof, and shall be deemed and taken to all intents and purposes whatsoever to have been made in pursuance of and in conformity with the provisions of this Act, and the production of a printed copy of the Dublin Gazette purporting to be printed and published by the Queen's authority, and to contain the publication of any such order, shall for all purposes be conclusive evidence of such order.

Prohibition of committal to Four Courts Marshalsea.

5. When and so soon as any order appointing a certified prison has been made and published in manner by this Act directed, no person shall be committed to the custody of the Marshal of the Four Courts Marshalsea, Dublin, and all persons who before the passing of this Act might lawfully have been committed to the custody of the said Marshal may be committed to any certified prison and there detained in like manner as but for the passing of this Act they might have been detained in the said Four Courts Marshalsea: Provided that all persons who at the time of the making and publishing of such order shall be imprisoned in the said Four Courts Marshalsea, may, until their removal therefrom in manner by this Act prescribed, be detained in the same manner as if this Act had not been passed.

Prisoners may be removed by warrant of Lord Lieutenant.

6. At such time after the passing of this Act as may be determined by the Lord Lieutenant, the Marshal of the Four Courts Marshalsea shall certify under his hand to the Lord Lieutenant a true list of the names of the prisoners then in his custody, with the several causes and times of their commitments; and as soon thereafter as conveniently may be it shall be lawful for the Lord Lieutenant from time to time to issue his warrant under his hand directed to the Marshal of the Four Courts Marshalsea, requiring him to deliver into the custody of the governor of the certified prison named in such warrant the prisoner or prisoners named in such warrant, and upon the receipt of any such warrant the said Marshal shall deliver such prisoner or prisoners into the custody of such governor, with

the processes under which he or they was or were respectively committed, and the said Marshal shall remove such prisoner or prisoners to the certified prison named in such warrant.

If any person named in any warrant of the Lord Lieutenant has been lawfully discharged out of the custody of the said Marshal before the execution of the warrant, the said Marshal shall certify such discharge under his hand to the Lord Lieutenant.

The removal of any prisoner in obedience to the warrant of the Lord Lieutenant shall not be considered to be an escape.

Custody of prisoners committed in pursuance of Act.

7. All persons removed or committed to any certified prison in pursuance of this Act shall be in the custody of the governor of that prison, and shall continue in such custody, subject to the laws for the time being in force in relation to the imprisonment of debtors, and to the rules for the time being in force for the regulation of debtors in such prison, or to such other special rules as may from time to time be approved by the Lord Lieutenant.

Maintenance of prisoners in certified prison.

8. The Commissioners of the Treasury and the board of superintendence of a certified prison may enter into such agreements as they think fit with respect to the contribution to be paid to the said board of superintendence on account of the expenses to be incurred by them in the safe-keeping, lodging, maintenance, and care of the prisoners removed or committed to such certified prison in pursuance of any warrant under the authority of this Act, and the amount of contribution so agreed to be paid, and the expense of providing such prisoners with furniture, fuel, and light, and of the removal of such prisoners to such certified prison, and from such prison to and from any court of competent jurisdiction, shall be defrayed out of moneys to be provided by Parliament.

And in the meantime, and until such agreement shall be made, or failing such agreement, the Commissioners of the Treasury shall pay to the said board of superintendence for the safe-keeping, lodging, maintenance, care, and other expenses of prisoners committed to such certified prison under the authority of this Act, for the net cost (after deducting all payments made by or on account of such prisoners) of the safe-keeping, lodging, maintenance, care, and other expenses of the prisoners removed and committed to such certified prison under the authority of this Act, such sums as the inspectors-general of prisons or one of them shall certify and the Lord Lieutenant shall approve, and such sums shall from time to time be paid out of moneys to be provided by Parliament.

Removal of records.

9. As soon as all the prisoners confined in the Four Courts Marshalsea have been discharged or been removed under this Act, all records, books, and papers in the custody of the Marshal or any other officer of the Four Courts Marshalsea relating to the business of the said prison shall be delivered to such person as the Lord Lieutenant may direct, and the office of Marshal of the Four Courts Marshalsea and all other offices in the said prison, shall be abolished.

Compensation to officers.

10. It shall be lawful for the Commissioners of Her Majesty's Treasury to grant to every person whose office shall be abolished under the provisions of this Act, and who shall not be transferred to any office of equal or greater value, such special annual allowance or gratuity by way of compensation as on a full consideration of the circumstances of each case may seem to the said Commissioners to be a reasonable and just compensation for the loss of his office, and such annuity or gratuity shall be paid out of moneys to be provided by Parliament.

Discontinued prison vested in the Crown.

11. Upon the abolition of the office of the Marshal of the Four Courts Marshalsea, that prison, with all the lands and tenements, furniture and fixtures thereunto belonging, shall vest absolutely in the Commissioners of Public Works in Ireland upon trust, to be sold, conveyed, disposed of, or applied in such manner as the Commissioners of the Treasury shall direct.