23 & 24 Vict. c. 91.—An Act for removing doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the custody of certain testamentary documents.	The Oxford University Act, 1860.
32 & 33 Vict. c. 20.—An Act to remove doubts as to the validity of certain statutes made by the Convocation of the University of Oxford.	The Oxford University Statutes Act, 1869.

CAMBRIDGE.

19 & 20 Vict. c. 88.—An Act to make further provision for the good government and extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.	The Cambridge University Act, 1856.

CHAPTER 49.

An Act to amend the Law relating to Prisons in Ireland.

[14th August 1877.]

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:

Preliminary.

Short title.

1. This Act may be cited as "The General Prisons (Ireland) Act, 1877."

Extent of Act.

2. This Act shall extend to Ireland only.

Interpretation of terms.

3. In this Act,

The term "Lord Lieutenant" shall mean the Lord Lieutenant, or other chief governor or governors of Ireland for the time being:

The term "Privy Council" shall mean Her Majesty's Privy Council in Ireland:

The term "county" shall extend to and include county of a city, county of a town, city and county, city, and town:

The term "grand jury" shall, as regards any borough, the town council of which is authorised to make presentments for the prisons thereof, include such council:

The term "assizes" shall include presenting term:

The term "treasurer of the county" shall include any person or persons or bank performing duties analogous to those of the "treasurer of the county" in any county, and in the application of this Act to the county of Dublin it shall include the finance committee:

The term "secretary to the grand jury" shall, as regards any borough the town council of which is authorised to make presentments for the prisons thereof, include the town clerk:

The term "Prisons Acts" shall mean the Act passed in the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, intituled "An Act for consolidating and amending the Laws relating to Prisons in "Ireland" and the Acts altering, amending, or affecting the same:

The term "ordinary prison" shall mean any gaol, district bridewell, bridewell, and prison under the Prisons Acts:

The term "Convict Prisons Acts" shall mean the Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter seventy-six, intituled "An Act for the formation, regulation, and "government of Convict Prisons in Ireland," and the Acts altering, amending, or affecting the same:

The term "convict prison" shall mean any prison under the control and management of the directors of convict prisons for Ireland under the Convict Prisons Acts:

The term "prison" shall include convict prison and ordinary prisons:

The term "prisoner" for the purposes of this Act means any person committed to prison on remand or for trial, safe custody, punishment, or otherwise; and the term "maintenance of a prisoner" includes all necessary expenses incurred in respect of a prisoner for food, clothing, and custody; and also for his safe conduct and removal from one place of confinement to another from the period of his being received into prison, on committal for trial, or on summary conviction, until his death or discharge from prison; with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not been passed:

The term "governor" shall include the gaoler or keeper of any prison:

The term "medical officer" shall include surgeon and physician:

The term "property" shall include things in action and rights of action:

The term "Lands Clauses Acts" shall mean the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864; and the Railway Traverse Act.

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 14 & 15 Vict. c. 70. 23 & 24 Vict. c. 97. 27 & 28 Vict. c. 71.

PART I.

General Prisons Board.

Establishment of General Prisons Board.

4. A board shall be established to be called "The General Prisons Board for Ireland" (in this Act referred to as "the General Prisons Board"), and such board shall consist of a chairman, a vice-chairman, and not more than two other members, to be appointed by the Lord Lieutenant by warrant and to hold office during the pleasure of the Lord Lieutenant, and such board shall, subject to such directions as they may from time to time receive from the Lord Lieutenant and to the provisions of this Act, have the control and management of all prisons and of all prisoners therein, and may make contracts and do all other acts necessary for the maintenance of such prisons and the prisoners therein. The General Prisons Board shall defray the expenses incurred in the performance of the various duties hereby committed to them out of such moneys as may be provided by Parliament for such purposes respectively.

Whenever from time to time any vacancy upon the General Prisons Board shall occur by reason of the death, removal, or resignation of any member thereof, or otherwise, the Lord Lieutenant may by the like warrant appoint some other fit person to fill such vacancy.

Any one member of such board may also hold the appointment of inspector of industrial and reformatory schools.

The members of the said board so appointed, and their successors, shall by the name of "The General Prisons Board for Ireland," be a body corporate, with a common seal, and with power to acquire and hold land without license in mortmain so far as may be necessary for the purposes of this Act.

The General Prisons Board shall be deemed to be established from and after the date of the first appointment of the chairman of the same under this Act, which period is in this Act referred to as the "commencement of this Act," and, except where otherwise expressly provided, the provisions of this Act shall from and after such period come into operation and have effect.

Any act or thing required or authorised to be done by the General Prisons Board may be done by any one or more members of the board as the Lord Lieutenant may direct; and the said board shall, in the exercise of their powers and jurisdictions under this Act, conform to any directions which may from time to time be given them by the Lord Lieutenant.

No act or proceeding of the General Prisons Board shall be invalidated or be illegal in consequence only of there being any vacancy on such board at the time of such act or proceeding.

Appointment of officers.

5. The Lord Lieutenant may from time to time with the approval of the Commissioners of Her Majesty's Treasury, appoint such inspectors, officers, clerks, and servants as he may deem necessary for the purpose of assisting the General Prisons Board in the performance of their duties under this Act, and the Lord Lieutenant may from time to time remove such inspectors, officers, clerks, and servants as and when he shall think fit.

Salaries.

6. There shall be paid, out of moneys provided by Parliament to the chairman, vice-chairman, and members of the General Prisons Board, and to the inspectors, officers, clerks, and servants appointed under this Act respectively, such salaries as the Lord Lieutenant may, with the consent of the Treasury, determine.

Abolition of office of inspector general, director of convict prisons, and registrar of criminals. 34 & 35 Vict. c. 112.

7. From and after the commencement of this Act the offices following; that is to say,

Of inspector general of Prisons under the Prisons Acts;

Of director of convict prisons under the Convict Prisons Acts;

Of registrar of criminals under the Prevention of Crimes Act, 1871,

shall be and the same are hereby abolished, and the persons at such time holding such offices shall cease to hold the same respectively.

The Corporation of Directors of Convict Prisons for Ireland is hereby dissolved.

Superannuation of inspector general of prisons and director of convict prisons.

22 Vict. c. 26.

8. In case any person who immediately before the commencement of this Act shall hold the office of inspector general of prisons or director of convict prisons shall be appointed a member of the General Prisons Board, the time during which such person shall have served in such office of inspector general or director of convict prisons shall be taken into account in reckoning, for the purpose of superannuation, the period of his service on the General Prisons Board; and in case any such person shall not be so appointed, or shall refuse such appointment if tendered to him, he shall be entitled to such superannuation allowance or compensation as the Commissioners of the Treasury shall fix and determine, and as may be granted under the provisions of the Superannuation Act, 1859, to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs.

Transfer to General Prisons Board of powers of inspectors general of prisons, directors of convict prisons, &c. 34 & 35 Vict. c. 112.

9. From and after the commencement of this Act all powers, jurisdictions, and duties at such time vested in or imposed upon the inspectors general of prisons under the Prisons Acts, the directors of convict prisons under the Convict Prisons Acts, and the registrar of criminals under the Prevention of Crimes Act, 1871, shall be transferred to and imposed upon the General Prisons Board, who shall, subject to the control of the Lord Lieutenant, exercise and perform the same in such manner as may be prescribed by this Act, and in the absence of express provisions, and so far as any such provisions shall not extend, in like manner and subject to the same conditions as near as may be as the said inspectors general of prisons, directors of convict prisons, and registrar of criminals might, but for the passing of this Act, have exercised and performed the same. All the business which previously to the commencement of this Act was performed and transacted in the several offices of the inspectors general of prisons, of the directors of convict prisons, and of the registrar of criminals respectively, shall be performed and transacted in the office of the General Prisons Board.

New establishment to be formed from old.

10. Whereas it is expedient that the establishment of the General Prisons Board should in the first instance be formed of persons who, immediately before the commencement of this Act, shall be employed in various capacities in the several offices of the inspectors general of prisons, of the directors of convict prisons, and of the registrar of criminals respectively; therefore the establishment of the General Prisons Board shall be at first formed out of the establishments of the said offices in such manner as the Lord Lieutenant may direct and the Commissioners of Her Majesty's Treasury may approve; and no fresh appointment to such establishment shall be made so long as the duties can be provided for by the recall to active service of any person who, having been on the establishment of any of the said offices, may be or may hereafter be placed on the compensation list. The Lord Lieutenant may, with the consent in each case of the Commissioners of Her Majesty's Treasury, appoint any of such persons whom he shall think fit, having regard to the absolute length of service and the relative seniority and the

previous duties of each such person, to a position in the office of the General Prisons Board, involving duties the same as or analogous to those previously performed by such person.

Any such person who shall decline to accept any position tendered to him as aforesaid, of which the salary shall not be less than that enjoyed by him at the time of such tender, shall, if in a competent state of health for the discharge of the duties of such position, and if under sixty years of age, be deemed to have resigned his office, and shall not be entitled to the grant of any superannuation allowance or compensation, and any such person to whom no such position shall be tendered shall be entitled to such superannuation allowance or compensation as the Commissioners of Her Majesty's Treasury shall fix and determine, and as may be granted under the provisions of the Superannuation Act, 1859, to a person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs. 22 Vict. c. 26.

Powers of board and inspectors to summon witnesses.

11. Every member of the General Prisons Board and every inspector appointed under this Act may by summons under his hand require the attendance of all such persons as he shall think fit to call before him, upon any matter connected with the execution of this Act, at such time and place as shall be set forth in such summons, and may make inquiry and require returns, and may administer oaths and examine all such persons on oath, and may require and enforce the production upon oath of books, contracts, agreements, accounts, and other documents in anywise relating to any such matter: Provided always, that no person shall be required, in obedience to any such summons, to go more than twenty statute miles from the place of his abode: Provided also, that nothing herein contained shall empower any member of the General Prisons Board or any inspector to require the production of the title or any papers or deeds relating to the title of any lands, tenements, or hereditaments not being property vested in the General Prisons Board.

Every person who upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or subscribe a false declaration, shall be guilty of perjury; and every person who shall refuse or wilfully neglect to act in obedience to any such summons, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, or other documents which may be required to be produced for the purposes of this Act to any person authorised by this Act to require the production thereof, shall be deemed guilty of a misdemeanor.

General Prisons Board to make rules with respect to prisons.

12. The General Prisons Board may, subject to the approval of the Lord Lieutenant and Privy Council, from time to time after the commencement of this Act, by rules to be made in manner herein-after prescribed, alter or repeal the byelaws in force for the time being for the regulation of any prison and for the duties and conduct of the governor and other officers of the said prison, and for the classification, diet, clothing, maintenance, employment, instruction, discipline, and correction of all persons confined therein, and may repeal rules so made and may make new rules instead thereof.

No rule shall be made by the General Prisons Board inconsistent with any of the regulations contained in the one hundred and ninth section of the Act of the seventh year of the reign of King George the Fourth, chapter seventy-four.

Special rules as to treatment of unconvicted prisoners and certain other prisoners.

13. Whereas it is expedient that a clear difference shall be made between the treatment of persons unconvicted of crime and in law presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for the purpose of punishment, and that, in order to secure the observance of such difference, there shall be in force in every place in which prisoners are confined for safe custody only, special rules regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of a conformity to regular rules for the purpose of preserving order and good government in the place in which they are confined, and to the physical and moral well-being of the prisoners themselves; therefore be it enacted, that the General Prisons Board shall, subject to the

approval of the Lord Lieutenant and Privy Council, make, and when made may from time to time repeal, alter, or add to, special rules:

(1.) With respect to the retention by a prisoner of the possession of any books, papers, or documents in his possession at the time of his arrest, and which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice;

(2.) With respect to communications between a prisoner, his solicitor, and friends, so as to secure to such prisoner as unrestricted and private communication between him, his solicitor, and his friends as may be possible, having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like considerations; and

(3.) With respect to arrangements whereby prisoners may provide themselves with articles of diet, or may be furnished with a sufficient quantity of wholesome food, and may be protected from being called upon to perform any unaccustomed tasks or offices; also any matter which the General Prisons Board may think conducive to the amelioration of the condition of a prisoner who has not been convicted of crime, regard being had to such matters as are in this section directed to be regarded.

Rules as to treatment of persons confined for non-payment of sums adjudged by justices to be paid.

14. The General Prisons Board may, subject to the approval of the Lord Lieutenant and Privy Council, from time to time make, and when made repeal, alter, or add to, rules with respect to the classification and treatment of prisoners imprisoned for non-compliance with the order of a justice or justices to pay any sum of money, or imprisoned in respect of the default of a distress to satisfy a sum of money adjudged to be paid by order of a justice or justices.

Board to make reports.

15. The General Prisons Board shall, at such time or times as the Lord Lieutenant may appoint, make a report or reports to the Lord Lieutenant of the condition of the prisons and prisoners within their jurisdiction, and with respect to the registration of criminals; and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

Such report shall include a yearly return of all punishments of any kind which may have been inflicted within each prison, and the offences for which such punishments were inflicted.

So much of any Statute in force immediately before the time of the passing of this Act as would impose upon the General Prisons Board any obligation to make any report shall be and the same is hereby repealed; and the several reports in this section mentioned shall be in substitution for all the reports heretofore made by the inspectors general of prisons, the directors of convict prisons, and the registrar of criminals respectively.

Useful trades and industries in prisons.

16. Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view of defraying such expenses and also of teaching prisoners modes of gaining honest livelihoods, means should be taken for promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition with a particular trade or industry: Be it enacted that the annual report of the General Prisons Board required by this Act to be laid before Parliament shall state the various trades and manufacturing processes carried on in each of the prisons within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the commercial value of the labour employed on, such trades and manufactures, and as to the number of prisoners employed, and otherwise, as may in the opinion of the Lord Lieutenant be best calculated to afford information to Parliament.

PART II.

Transfer and Administration of Prisons.

Transfer of ordinary prisons to board.

17. On the first day of April one thousand eight hundred and seventy-eight all the estate and interest of any grand jury, commissioners, board of superintendence, board, or trustees in any lands, buildings, tenements, or hereditaments used as or appertaining to any prison, and in any property, real or personal, except goods manufactured for sale, and implements, tools, and materials in store for the purposes of such manufacture, belonging to or appropriated to the use of any prison or belonging to or vested in any grand jury, commissioners, board of superintendence, board, or trustees in trust for prison purposes, shall be transferred to and shall vest in the General Prisons Board for the purposes of this Act, subject to any quitrents, head rents, or rents payable in respect of the same, but absolutely freed and discharged from all debts, liabilities, or engagements affecting the same, and from and after such first day of April one thousand eight hundred and seventy-eight every grand jury and county is hereby relieved from all and every obligation to provide and maintain prisons, and, save as by this Act otherwise provided, to provide for prisoners; and thenceforth all powers of every such grand jury with respect to the presentment of public moneys or the making of rates for such purposes as aforesaid shall, save as by this Act otherwise provided, absolutely cease and determine.

From and after the first day of April one thousand eight hundred and seventy-eight all boards of superintendence of prisons shall cease to exist as such, and thereupon all powers, jurisdictions, and duties at such time vested in or imposed upon grand juries and boards of superintendence, or any members of them as justices or otherwise, with respect to prisons or the maintenance thereof or the persons confined therein, shall be transferred to and vested in the General Prisons Board, who shall exercise and perform the same, in like manner and subject to the same conditions, as near as may be, as such grand juries and boards of superintendence respectively might, but for the passing of this Act, have exercised and performed the same.

Power to improve prisons and build new ones.

18. Where for the purpose of enlarging, improving, or building any prison it shall be necessary to acquire any lands, the General Prisons Board, with the consent of the Commissioners of Her Majesty's Treasury, may enter into agreements for the acquirement of such lands or take such lands without entering into such agreements, and for the purposes aforesaid there shall be incorporated with this Act the Lands Clauses Acts; and in the said last-mentioned Acts the terms "the promoters of the undertaking" and "the company" shall for the purpose of such incorporation be deemed to mean the General Prisons Board, and the terms "the undertaking" and "the railway" used therein shall, when necessary, be deemed to mean the works the General Prisons Board are about to execute: Provided always, that the General Prisons Board shall not, except in respect of lands contiguous to a prison, and required for the purpose of enlarging a prison or rendering it more commodious or safe, put in force the provisions of the said Acts with respect to the purchase of land otherwise than by agreement.

Control of Treasury as to works.

19. All works, matters, and things necessary for the maintenance, repair, rebuilding, enlargement, and improvement of buildings, lands, and premises by this Act transferred to and vested in or placed under the control of the General Prisons Board, or for the building of new prisons, shall be executed and done by the General Prisons Board according to such general rules as the Commissioners of Her Majesty's Treasury may from time to time make; and except in accordance with such rules no such works, matters, or things shall be commenced, executed, or done without the special sanction of the Commissioners of Her Majesty's Treasury.

Grand juries and boards of superintendence to discharge duties, &c. until 1st April 1878.

20. Nothing in this Act contained shall be construed to alter or affect the duties and liabilities of grand juries or boards of superintendence with respect to prisons, or the maintenance thereof, and of the prisoners confined therein, until the first day of April one thousand eight hundred and seventy-eight, or with respect to the discharge of any debts due in respect thereof, or with respect to the repayment of moneys advanced on the faith of any presentment or presentments for the building, altering, or enlarging of

prisons or otherwise with respect thereto; and up to that day they shall respectively perform all such duties and discharge such liabilities and keep all such prisons and all buildings connected therewith in good and substantial repair, and up to and after such day until such debts and liabilities shall be discharged and such moneys shall be repaid, they shall pay off and satisfy all such debts and liabilities and pay all such moneys which, in the ordinary course, and but for this Act, should be by them paid or satisfied, and they shall provide for the payment or satisfaction of the same in like manner in every respect as if this Act had not been passed, and shall for such purpose make any and all presentments, and do all acts, matters, and things, and raise all moneys which may be necessary, and which, but for the passing of this Act, they should have made, done, or raised.

Nothing in this Act contained shall affect any right or claim of any creditor of a grand jury or board of superintendence under any contract legally made or in respect of any dealing legally had under the Prisons Acts and this Act before the first day of April one thousand eight hundred and seventy-eight, and as between such creditor and the grand jury or board of superintendence of which he is a creditor, such contract may be enforced in the same manner in all respects as if this Act had not been passed.

Any contract made or obligation undertaken by any grand jury or town council with any other grand jury or town council for or in relation to the maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the first day of April one thousand eight hundred and seventy-eight, without prejudice nevertheless to any liability incurred, or to any moneys which may have accrued due under or in respect to such contract or obligation, at or before the said first day of April one thousand eight hundred and seventy-eight.

Amendment of 14 & 15 Vict. c. 85. s. 4. and 31 & 32 Vict. c. 59. s. 15. as to payment of certain expenses.

21. From and after the first day of April one thousand eight hundred and seventy-eight, the powers and duties vested in and imposed upon the several boards of superintendence by the fourth section of the Act of the session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter eighty-five, as amended by this Act, and by the fifteenth section of the Irish Reformatory Schools Act, 1868, as to the payment of the expenses mentioned in the said sections, shall be transferred to the grand jury by which each such board of superintendence was customarily appointed; and the accounts prescribed by the said sections respectively shall be transmitted to the secretary of such grand jury at a reasonable time before each assizes; and the said sections shall be read and construed as if the grand jury of each county were named therein instead of the board of superintendence.

Provision as to continuing contracts.

22. Where any contract entered into under the authority of the Prisons Acts in which any grand jury or board of superintendence is concerned is a continuous contract, to be performed partly before and partly after the first day of April one thousand eight hundred and seventy-eight, such contract shall be deemed to be divisible, and as to so much thereof as is performable before the said first day of April, shall create a debt or obligation to be discharged or performed by the grand jury or board of superintendence concerned therein, and as to so much thereof as is performable after the said first day of April, to create a debt or obligation to be discharged or performed by the General Prisons Board out of moneys provided by Parliament.

Lock-ups.

23. The Commissioners of Public Works in Ireland shall, when required by the Lord Lieutenant, provide and maintain, in connexion with all such constabulary barracks as the Lord Lieutenant shall order, such proper accommodation for the temporary detention of prisoners, being unconvicted or unsentenced prisoners as the Lord Lieutenant shall direct.

All moneys necessary for providing and maintaining such accommodation as aforesaid shall in the first instance be voted by Parliament, and shall be repaid by the several counties in Ireland in such manner as the Commissioners of the Treasury shall from time to time prescribe, and the same shall be raised by grand jury presentment of each county to which the same shall be declared by the Lord Lieutenant to relate, and in such proportions as he shall think just.

Visiting Committee of Justices.

Visiting committees.

24. From and after the first day of April one thousand eight hundred and seventy-eight a visiting committee shall, at such time in each year and in such manner as the Lord Lieutenant shall by order from time to time prescribe, be appointed by the grand jury of every county for every prison the board of superintendence of which shall have been dissolved by this Act, consisting of such number of persons being justices of the peace as, having regard to the locality of such prison and to the class of prisoners to be confined in such prison, may from time to time be determined by the Lord Lieutenant.

Duties of visiting committee.

25. The Lord Lieutenant shall, on or before the first day of April one thousand eight hundred and seventy-eight, make and publish, and may from time to time thereafter repeal, alter, or add to, rules with respect to the duties of a visiting committee, and such committee shall conform to any rules so made, and for the time being in force, but, subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners, and, if asked, shall do so privately. They shall report on any abuses within the prison, and also on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity and within the powers of their commission as justices, and do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Lord Lieutenant.

Subject to the provisions of this Act, the visiting committee may exercise any powers vested at the time of the passing of this Act in the justices, or any one or more of them, being members of a board of superintendence under the Prisons Acts, with respect to the punishment of prisoners. Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at all times have free access to every part of the prison and to every prisoner confined therein.

The visiting committee shall report to the Lord Lieutenant any matters with respect to which they may consider it expedient, and shall report to the Lord Lieutenant as soon as may be, and in such manner as he may direct, any matter respecting which they may be required by him to report.

Power of entry into prisons by justices of the peace.
7 G. 4. c. 74.

26. Section five of the Act passed in the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, is hereby repealed, and instead thereof the following enactment shall take effect, viz., Any justice of the peace, having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison or abuses therein in the visitors' book to be kept by the governor; and it shall be the duty of the governor to draw the attention of the visiting committee, at their next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment. Nothing in this section shall apply to convict prisons.

Status of Prison Officers.

Position and duties of existing officers of prisons.

27. The officers attached to prisons on the first day of April one thousand eight hundred and seventy-eight (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive salaries of not less amount than those which they have hitherto received.

Such existing officers as aforesaid (except all local inspectors, chaplains, medical officers, and apothecaries,) may be distributed amongst the several prisons to which this Act

applies in such manner as may be directed by the General Prisons Board, and all such officers shall perform such duties as they may be required to perform by the said General Prisons Board, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they shall be performing at the said date.

An existing officer of a prison who is at the commencemeut of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under Her Majesty, within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

34 & 35 Vict. c. 36.

From and after the first day of April one thousand eight hundred and seventy-eight, no surgeon of the infirmary of any county shall be bound or required as a condition precedent to the making of any presentment for his salary as such surgeon under the provisions of the eighty-sixth section of the Act of the session of Parliament holden in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, to give his attendance or assistance to the prisoners or others in the gaol of such county; but no such surgeon shall be entitled, save as provided by section thirty-four of this Act, to any compensation, gratuity, or allowance whatever by reason of the discontinuance of any attendance or assistance at any gaol which, but for the passing of this Act, he would have been bound to give as a condition precedent to the making of a presentment to him for his salary as surgeon to the county infirmary under the provisions of the said section.

Appointment, tenure, and salary of officers.

28. From and after the first day of April one thousand eight hundred and seventy-eight every governor, matron or female superintendent, chaplain, and medical officer of a prison shall be appointed by the Lord Lieutenant; every other officer and servant of a prison shall be appointed by the General Prisons Board, subject to the approval of the Lord Lieutenant. Every such appointment, except those of chaplain and medical officer, shall be for general prison service; and every such officer and servant shall hold his office or situation during the pleasure of the Lord Lieutenant, and shall receive such salary as the Lord Lieutenant, with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time appoint.

Removal of officers and servants from apartments.

29. Whenever any officer or servant of any prison is suspended, removed from, or resigns his office, or departs this life, the officer or servant so suspended, removed, or resigning, and his family, and the family of every such deceased officer or servant, shall quit the possession of any house or apartments in or belonging to such prison in which he or they shall have previously resided by virtue of such office when required so to do by notice in writing from the General Prisons Board; and if he or they refuse or neglect to give such possession within forty-eight hours after the service of such notice, any justice of the peace, upon proof made to him of such removal, resignation, or death, and of the service of such notice, and of such neglect or refusal to comply therewith, may, by warrant, direct any constable, within a period therein named, to enter by force, if necessary, into such premises, and deliver possession thereof to the General Prisons Board, or to any person appointed by them.

Power to alter Condition of Prisons and to close Prisons.

Power to Lord Lieutenant to alter legal condition of prisons.

30. From and after the first day of April one thousand eight hundred and seventy-eight the Lord Lieutenant may by order from time to time close any prison or prisons, or may direct that any prison shall be a legal place of confinement only for certain classes of prisoners specified in such order, and that any part of the same shall be closed: Provided

that in every county there remain one prison, unless the Lord Lieutenant otherwise order for special reasons to be stated in his order.

Whenever the Lord Lieutenant shall have made any such order, a prison or prisons shall be named in such order to which prisoners who but for such order would have been confined in the prison so wholly or in part closed, shall be removed or committed, and in which they shall be kept in custody, and any such substituted prison shall thenceforth and so long as such order is in force, for all purposes relating to the committal, detention, trial, and punishment of the prisoners so removed and of the prisoners committed thereto in pursuance of this section, be deemed to be a legal place of confinement, and such prisoners shall, during removal to and during such time as they shall be in such substituted prison, be deemed to be in the proper legal custody in every respect, and no such removal shall be deemed an escape.

Every order of the Lord Lieutenant made under the provisions of this section whereby the only prison in any county shall be directed to be closed, shall be laid before both Houses of Parliament forthwith, if Parliament be sitting at the time of the order being made, or if not then sitting, within one month after the commencement of the then next session of Parliament.

Disposal of ordinary prison where such prison is closed.

31. Whenever, in pursuance of any such order as aforesaid, any prison shall be closed, all the estate and interest therein of the General Prisons Board shall, at the expiration of a period of twelve months from the date of such order, be deemed to be re-transferred to and shall vest in the grand jury, commissioners, board, or trustees from whom the same was transferred to the General Prisons Board by this Act, and may thereafter be sold or disposed of in the manner and subject to the conditions prescribed by the Prisons Acts with respect to old gaols and prisons: Provided always, that in case any such prison, or any part thereof that may have been closed, shall before the expiration of such period of twelve months be required for the purposes of a reformatory, industrial school, lunatic asylum, constabulary barrack, lock-up, or any other public purpose whatsoever, the General Prisons Board may, with the consent of the Commissioners of Her Majesty's Treasury, and subject to the provisions of this Act and to such conditions as the General Prisons Board shall approve, allow the same to be used for any of such purposes, and in such case the estate and interest of the General Prisons Board therein shall, so long as such user shall continue, and until the expiration of a period of twelve months after the discontinuance of each user, remain vested in the General Prisons Board; and shall, at the expiration of such period, be deemed to be re-transferred to, and shall vest in, and may be sold or disposed of by such grand jury, commissioners, board, or trustees as are above mentioned in the manner aforesaid.

Superannuation.

Superannuation of officers and abolition of offices. 36 & 37 Vict. c. 51. s. 4.

32. If at any time after the first day of April one thousand eight hundred and seventy-eight it appears to the Commissioners of Her Majesty's Treasury that any existing officer of a prison who was, within the meaning of the Prison Officers (Ireland) Superannuation Act, 1873, an officer of any prison, has been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any such person has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the General Prisons Board testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Commissioners of Her Majesty's Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments, for one year.

Any such officer of a prison who by reason of the abolition of his office, or of his compulsory retirement or removal, is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a person retiring or removed from the public service in consequence of the abolition of his office, or 22 Vict. c. 26.

for the purpose of facilitating improvements in the organisation of the department to which he belongs.

"Prison service," for the purposes of this section, means, as respects the period before the first day of April one thousand eight hundred and seventy-eight, service in the ordinary prison or prisons of the county in which the officer to be superannuated shall be serving at the time of his ceasing to hold office, and as respects the period after the said first day of April one thousand eight hundred and seventy-eight, service in any such prison or in any other prison.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the said first day of April one thousand eight hundred and seventy-eight and the period of service after the said day; and so much of such annuity or allowance as is payable in respect of service before the said day, regard being had to the amount of salary then paid, but without taking into account any number of years added to the officer's service on account of abolition of office, or for facilitating the organisation of the department, shall, without application to presentment sessions, or other preliminaries, be presented and paid to the person entitled thereto by the grand jury of the county by which the prison in which such person was serving immediately before the said first day of April one thousand eight hundred and seventy-eight was at such time maintained, and the residue shall be paid out of moneys provided by Parliament. No annuity or gratuity shall be granted under the provisions of this Act to any person whose appointment, at the time of his retirement or removal from office, shall not have been duly confirmed in pursuance of the provisions of the Prisons Acts.

Superannuation of medical officers. 36 & 37 Vict. c. 51.

33. The provisions of the Prison Officers Superannuation (Ireland) Act, 1873, which relate to medical officers of prisons, shall, in the case of any medical officer who shall be also surgeon to any county infirmary, and who shall have given his attendance and professional assistance, whether with or without remuneration, to the prisoners or others in any prison up to the first day of April one thousand eight hundred and seventy-eight, and whose further attendance or assistance at such prison shall at any time thereafter cease to be required, apply to such medical officer on the occasion of his retiring from the office of surgeon of the county infirmary, as fully as the same would have applied if such medical officer had continued to give his attendance and professional assistance at such prison up to the time of his retirement from the office of surgeon of the county infirmary.

Conditions to be observed in granting superannuations.

34. In case any person enjoying any superannuation allowance or compensation upon the abolition of office under the authority of this Act shall be appointed to fill any office remunerated wholly or partly out of local rates, or any office in any public department, every such allowance or compensation shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then no more of such superannuation allowance or compensation shall be paid to him than with the salary of his new appointment shall be equal to that of his former office.

Presentments by grand juries.

35. Every grand jury shall make all such presentments, and do all such acts, matters, and things, as may from time to time be necessary to provide for any annuities, gratuities, or payments under this Act, and shall, in case of default in complying with any of the provisions of this Act, be subject to all the provisions of the Prisons Acts relating to default in the making of presentments under those Acts, anything in this Act to the contrary notwithstanding.

Removal of Prisoners.

Confinement of prisoners before and during trial.

36. The Lord Lieutenant may from time to time by any general or special rule appoint in any county a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed: Moreover, the Lord

Lieutenant may, by any general or special rule, from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be committed for trial, safe custody, or otherwise, and any prisoners may be committed to such prison accordingly.

Confinement of prisoners after conviction.

37. The Lord Lieutenant may from time to time by any general or special rule appropriate, either wholly or partially, particular prisons in Ireland to particular classes of prisoners under sentence of any court or of any competent authority to which such prisoners may be committed or removed, and may remove any prisoner from any one prison to any other prison in Ireland, for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be entitled to be taken back at the public expense to the county, borough, or place in which he was so convicted.

Confinement of debtors and prisoners who are not criminal prisoners.

38. The Lord Lieutenant may from time to time by any general or special rule appoint in any county a prison or prisons in which debtors and prisoners who are not criminal prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of his imprisonment any debtor or prisoner who is not a criminal prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county.

Saving as to commitment of prisoners.

39. Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to or imprisoned in some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of any of Her Majesty's superior courts of law in Dublin, be entitled to be removed at the public expense to such other prison as aforesaid.

Custody of prisoners.

40. Every prisoner confined in any prison to which this Act applies shall be deemed to be in the legal custody of the governor or keeper of the same: Provided that nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required to be carried into effect on any prisoner, the sheriff shall, for the purposes of carrying the sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had with respect to the common gaol of his county if this Act had not passed, and such prison were the common gaol of his county.

Description of prison in writ.

41. Any writ, warrant, or other legal instrument addressed to the governor or keeper of a particular prison, describing the prison by its situation or other definite description, shall be valid, by whatever title such prison is usually known, or whatever be the description of the prison.

Removal of prisoners for trial.

42. A prisoner may be brought up in cases of adjournments and remands, and for trial, and may be removed from any one prison to another to which such prisoner may be legally removed, for the purpose of being tried or undergoing his sentence, by or under the direction of the governor or keeper of such prison, or any member of the constabulary force, or of the Dublin metropolitan police, duly authorised by such governor or keeper, and no prisoner whilst in the custody of any such governor or keeper or any member of the constabulary or metropolitan police force duly authorised by such governor or keeper shall be deemed to have escaped, although he may be taken into different jurisdictions or different places of confinement.

Sheriff not liable for escape.

43. On and after the first day of April one thousand eight hundred and seventy-eight the sheriff of any sheriffdom shall not be liable for the escape of any prisoner.

Miscellaneous.

Chief Secretary may grant certificates to Prisoners Aid Societies.

44. The Chief Secretary to the Lord Lieutenant, upon the application of any one or more member or members of any society formed for the purpose of finding employment for discharged prisoners, and enabling them by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence as he thinks fit as to the condition of such society, may issue a certificate under his hand to the effect that such society is approved by him for the purposes of this Act, and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate, and any society in respect of which such certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such privileges as are herein-after mentioned.

Allowance to discharged prisoner.

45. Where any prisoner is discharged from prison, the General Prisons Board may, in addition to any sums by law payable to such prisoner, order a sum of money not exceeding two pounds to be paid out of any moneys under their control, and applicable to the payment of the expenses of the prison, by the governor to the prisoner himself, or to the treasurer of a certified Prisoners Aid Society or refuge, on his receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner, or, if that becomes impossible, repay the same to the General Prisons Board.

Power for General Prisons Board and grand jury to arrange and refer to arbitration.

46. The General Prisons Board on the one hand (with the assent of the Lord Lieutenant, and, so far as any public moneys are concerned, with the assent of the Treasury), and a grand jury on the other, may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference.

19 & 20 Vict. c. 102.

A reference to arbitration under this Act shall be to a single arbitrator, and the provisions of the Common Law Procedure Amendment Act (Ireland), 1856, shall apply accordingly.

Employment of prisoners sentenced without hard labour.

47. In every prison in which prisoners sentenced to imprisonment without hard labour shall be confined, due provision shall be made by the General Prisons Board for the employment of such prisoners respectively, and the nature and amount of such employment shall be defined by rules to be made under this Act.

Division of prisoners in ordinary prison.

48. The General Prisons Board shall cause provision to be made in such prison or prisons as they shall think proper, so that prisoners convicted of misdemeanor and not sentenced to hard labour shall be divided into at least two divisions, one of which shall be called the first division; and whenever any person convicted of misdemeanor is sentenced to imprisonment without hard labour, it shall be lawful for the court or judge before whom such person has been tried to order, if such court or judge think fit, that such person shall be confined during his sentence in such prison or in some one of such prisons, and be there treated as a misdemeanant of the first division, and a misdemeanant of the first division shall be treated in accordance with such rules as may from time to time be made in that behalf under the provisions of this Act.

Certain prisoners shall be treated as first-class misdemeanants.

49. Every prisoner under sentence inflicted on conviction for sedition or seditious libel, and any person who shall be imprisoned under any rule, order, or attachment for contempt of any court, shall be treated as a misdemeanant of the first division.

Saving clause as to reformatory and industrial schools.

31 & 32 Vict. c. 59.

31 & 32 Vict. c. 25.

50. Nothing in this Act contained shall affect the power or jurisdiction of any grand jury in relation to any reformatory school or to any industrial school under the Irish Reformatory Schools Act, 1868, and the Industrial Schools Act (Ireland), 1868, or either of such Acts, or any Act amending the said Acts or either of them.

Saving clause as to pensions.

36 & 37 Vict. c. 51.

51. Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance the conditions of whose office would not have entitled him to superannuation or other allowance under the Prison Officers (Ireland) Superannuation Act, 1873.

Test of malingering.

52. Where the prison medical officer considers it necessary to apply any painful test to a prisoner to detect malingering, or otherwise, such test shall only be applied by authority of an order from the visiting committee, or a member of the General Prisons Board.

Duties of surgeon regarding sick prisoners.

53. In addition to the duties imposed upon the surgeon of a prison by the seventy-second section of the Act of the session of Parliament held in the seventh year of King George the Fourth, chapter seventy-four, it shall be the duty of the surgeon to see every prisoner in the course of every week, and daily visit the sick prisoners and the prisoners, if any, confined in punishment cells.

He shall enter day by day, in his journal to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner.

He shall, once at least in every three months, inspect every part of the prison, and enter in his journal the result of each inspection, recording therein any observations he may think fit to make on any want of cleanliness, drainage, warmth, or ventilation, any bad quality of the provisions, any insufficiency of clothing or bedding, any insufficiency in the quantity or defect in the quality of the water, or any cause which may affect the health of the prisoners.

Whenever he has reason to believe that the mind of a prisoner is or is likely to be injuriously affected by the discipline or treatment, he shall report the case in writing to the gaoler, together with such directions as he may think proper, and he shall call the attention of the chaplain to any prisoner who appears to require his special notice.

He may, in any case of danger or difficulty, which appears to him to require it, call in additional medical assistance, and no serious operation shall be performed without previous consultation being held with another medical practitioner, except under circumstances not admitting of delay, such circumstances to be recorded in his journal.

He shall, forthwith on the death of any prisoner, enter in his journal the following particulars, videlicet, at what time the deceased was taken ill; when the illness was first communicated to the surgeon; the nature of the disease; when the prisoner died; and an account of the appearances after death; together with any special remarks that appear to him requisite.

Duties of gaolers.

54. In addition to the duties imposed on the gaoler of a prison by the Prisons Acts, it shall be the duty of the gaoler to enter in a separate book, called the Punishment Book, a statement of the nature of any offence for which he has awarded punishment to be inflicted on any prisoner, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted.

He shall, without delay, report to the visiting committee of justices any case of insanity or apparent insanity occurring among the prisoners. He shall also, without delay, call the attention of the surgeon to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the directions of the surgeon respecting alterations of the discipline or treatment of any such prisoner.

He shall notify to the surgeon without delay the illness of any prisoner, and shall deliver to him daily a list of such prisoners as complain of illness, or are removed to the infirmary, or confined to their cells by illness, and he shall deliver to the chaplain and surgeon lists of such prisoners as are confined in punishment cells.

No prisoner sentenced to hard labour shall be kept at such labour for more than ten hours each day, exclusive of meals.

Limitation of time of confinement in punishment cells.

55. It shall not be lawful for the governor of any prison in exercising the powers conferred upon him by the fifteenth rule contained in the hundred and ninth section of the Act of the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, to order any prisoner to be confined in a punishment cell for any term exceeding twenty-four hours; nor shall it be lawful for any justice in exercising the powers conferred by the sixteenth rule contained in the same section to order any prisoner to be confined in a punishment cell for any term exceeding fourteen days.

Coroner shall hold inquest on prisoner who has died in prison.

56. It shall be the duty of the coroner having jurisdiction in the place to which the prison belongs, to hold an inquest on the body of every prisoner who may die within the prison. Where it is practicable, sufficient time shall be allowed before the holding of the inquest to allow the attendance of the nearest relative of the deceased, and in no case shall any officer of the prison, nor any person engaged in any sort of trade or dealing with the prison, be a juror on such inquest.

Conditions as to rules made under this Act.

57. The following conditions shall apply to the rules and special rules to be made by the Lord Lieutenant, or by the General Prisons Board, under the authority of this Act:

(*a.*) No such rule or special rule shall have effect with respect to any ordinary prison before the first day of April one thousand eight hundred and seventy-eight.

(*b.*) Any rule made in manner aforesaid respecting matters relating to finance or to account shall, before receiving the approval of the Lord Lieutenant and Privy Council, be submitted to and approved by the Commissioners of Her Majesty's Treasury.

(*c.*) All such rules and special rules shall be forthwith laid in a complete form, after the same shall have been settled and approved by the Lord Lieutenant and Privy Council, before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such rules shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules, or such part thereof as shall be so disapproved of, shall be void and have no effect: Provided also, that no such rules shall come into force or operation until the same shall have been laid before Parliament for forty days.

All such rules and special rules not disapproved in manner aforesaid shall be published in the Dublin Gazette, and the production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of such rules, shall be conclusive evidence of the making of such rules. A copy of the rules shall be posted in some conspicuous place in every prison to which the same relate, and, so long as the same shall continue in force, shall be of the same validity as if enacted by this Act. The rules and byelaws of every prison existing at the time of the passing of this Act shall continue in force unless and so far as the same shall not be altered or repealed in manner aforesaid.

As to charitable donations and bequests for poor prisoners. 35 & 36 Vict. c. 57.

58. Whereas certain charitable donations and bequests have from time to time been made, and are still payable, for the benefit of poor debtors confined in prisons in Ireland: And whereas in consequence of the passing of the Debtors Act (Ireland), 1872, and the rules and discipline established in the various prisons in Ireland, it has in many cases been found to be inconsistent with the rules and discipline of the said prisons, or otherwise impracticable, to apply the said charitable bequests in the manner directed by the several donors or testators: Therefore it shall be lawful for the Commissioners of Charitable Donations and Bequests for Ireland to apply or to order the application of any of such donations or bequests to such charitable purposes as they shall judge to be best, having regard to the intentions of the donor or testator; and such application or order shall be made in the manner prescribed by the provisions of the sixth section of the Charitable Donations and Bequests Act (Ireland), 1871, and shall be valid and effectual, although the amount of any such donation or bequest shall exceed the amounts specified in the said section.

34 & 35 Vict. c. 102.

Discontinuance of unnecessary offices and duties.

59. From and after the first day of April one thousand eight hundred and seventy-eight any enactment contained in the Prisons Acts which requires that a local inspector, or more than one medical officer, or an apothecary, shall be appointed for any prison, or imposes upon prison chaplains the duty of inspecting the bread or other provisions provided for prisoners, and of taking care that the same are of good and wholesome quality, and of sufficient weight, shall be and the same is hereby repealed.

Saving as to commissions.

60. Nothing in this Act contained relating to the custody of prisoners shall affect the validity of any commission of gaol delivery, commission of oyer and terminer, or other

commission, precept, writ, warrant, or other document, notwithstanding the same may be addressed to or make mention of the sheriff of any county, city, or place, instead of being addressed to or making mention of the governor of a prison or prisons; and every such commission, precept, writ, warrant, or other document shall be obeyed by the governor and take effect in the same manner as if the governor had been named therein instead of the sheriff.

CHAPTER 50.

An Act to amend the Law in regard to the appointment of Sheriffs Substitute and Procurators Fiscal in Scotland; to extend the jurisdiction of and amend the procedure in the Sheriff Courts of Scotland; and for certain other purposes connected therewith. [14th August 1877.]

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:

1. This Act may be cited for all purposes as the Sheriff Courts (Scotland) Act, 1877. Short title.

2. Except in so far as otherwise expressly provided, this Act shall commence and take effect on and immediately after the first day of October one thousand eight hundred and seventy-seven. Commencement of Act.

3. From and after the passing of this Act the right of appointing to the salaried office of sheriff substitute, heretofore belonging to sheriffs, shall be transferred to, vested in, and exercised by Her Majesty, her heirs and successors, on the recommendation of one of Her Majesty's Principal Secretaries of State. Appointment of salaried sheriffs substitute vested in Her Majesty.

4. The ninth section of the Act passed in the sixth year of His Majesty George the Fourth, chapter twenty-three, is hereby repealed; and in lieu thereof it is enacted as follows: From and after the passing of this Act no person shall be appointed to the office of salaried sheriff substitute who shall not be an advocate or a law agent, within the meaning of the Act passed in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, chapter sixty-three; provided always, that such advocate or law agent shall not be of less than five years standing in his profession. Qualification of sheriffs substitute. 6 Geo. 4. c. 23. s. 9. repealed. 36 & 37 Vict. c. 63.

5. No person holding the office of sheriff substitute or procurator fiscal at the passing of this Act, and receiving salary on that account, and no person who may hereafter be appointed to the office of salaried sheriff substitute or procurator fiscal by virtue of the provisions of this Act, shall be removable from office, except by one of Her Majesty's Principal Secretaries of State, for inability or misbehaviour, upon a report by the Lord President of the Court of Session and the Lord Justice Clerk for the time being. Tenure of office of salaried sheriffs substitute and procurator fiscal.

6. From and after the passing of this Act the appointment of procurators fiscal shall be made by the sheriff with the approval of one of Her Majesty's Principal Secretaries of State, and any procurator fiscal so appointed, and any procurator fiscal holding office at the passing of this Act (save in so far as herein-after expressly provided) shall not be removable from office except in the manner provided in the fifth section of this Act: Provided always, that no appointment of any procurator fiscal, whether made before or after the passing of this Act, shall fall by reason of the sheriff ceasing to hold office by reason of death, resignation, or otherwise. The appointment of any person to act as procurator fiscal ad interim or in the absence of the procurator fiscal in any sheriff court shall cease and determine from and after the commencement of this Act. Appointment of procurators fiscal vested in sheriffs with approval of Secretary of State.

7. Except as herein-before provided, no sheriff shall have power, after the passing of this Act, to nominate or appoint any person to perform the duties of procurator fiscal; but it shall be lawful for a procurator fiscal, with the leave of the Lord Advocate and Procurator fiscal may appoint depute with consent of