ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. LXII.

An Act for the Establishment of Naval Prisons, and for the Prevention of Desertion from Her Majesty's Navy. [2d *July* 1847.]

WHEREAS by the Laws and Customs of Her Majesty's Navy Officers commanding Her Majesty's Ships and Vessels are empowered to order Corporal Punishment to be inflicted on Men in Her Majesty's Service for various Offences, for the Purpose of preserving and enforcing Discipline, without the Offenders being tried by Court-martial: And whereas it is expedient that Officers commanding Her Majesty's Ships and Vessels should have the Power of inflicting summary Punishment by Imprisonment; and it is also expedient that the Lord High Admiral, and the Commissioners for executing the Office of Lord High Admiral, shall have Power to establish and regulate Naval Prisons, and that further Provision shall be made for the Apprehension of Deserters, and for checking Desertion from Her Majesty's Navy: 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, That in all Cases in which Officers commanding Her Majesty's Ships and Vessels are empowered to order Corporal Punishment without the

In Cases where Officers com-

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manding Ships are empowered to order Courts-martial, they may inflict Corporal Punishment or Imprisonment instead.

the Offender being tried by Court-martial it shall be lawful for such Officers commanding any Ship or Vessel of Her Majesty within the Limits of any Port, if they think fit, and without the Offender being tried by Court-martial, to order such Corporal Punishment to be inflicted according to the Laws and Customs of Her Majesty's Navy, or to order the Offender to be imprisoned for any Period not exceeding Twenty-eight Days, to be computed from the Date of the Order, in any Place, Ship, or Vessel, either afloat or on shore, which the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, may at any Time or Times appoint for the Purpose, and where no such Place, Ship, or Vessel shall have been so appointed, in any public Prison, Gaol, or House of Correction in Her Majesty's Dominions, and such Imprisonment may be with or without hard Labour, and the Offender shall be kept in solitary Confinement for any Portion of such Imprisonment, not exceeding Ten Days in the whole, or not, as any such Order shall direct; but any such Order for Imprisonment shall not have any Force or Effect until the same shall have been approved of by Writing under the Hand of the Naval Officer commanding at the Port where the Vessel to which the Offender belongs may be.

Order for Imprisonment to be approved of by Commander-in-Chief.

Gaolers to receive and confine Offenders.

II. And be it enacted, That every Governor, Gaoler, or Keeper of any public Prison, Gaol, or House of Correction, and every Officer having the Charge or Command of any Place, Ship, or Vessel for Imprisonment as aforesaid, shall receive into his Custody any Person so ordered to be imprisoned as aforesaid, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Ship or Vessel to which the Offender belongs, approved of as aforesaid, and which Order shall specify the Period of Imprisonment which the Prisoner is to undergo, and the Day and Hour of the Day when he is to be released, and the Prisoner shall be confined, with or without hard Labour, and in solitary Confinement or not, as such Order shall direct.

Order for Discharge or Removal of Prisoners.

III. And be it enacted, That it shall be lawful for the said Lord High Admiral, and also for the said Commissioners, or for the said Officer commanding in chief, or for the Officer commanding the Ship or Vessel to which the Prisoner belongs, to give at any Period of any such Imprisonment an Order in Writing directing that the Prisoner may be discharged or be removed by the Person having Charge of him, or in Naval Custody, to some other Prison or Place of Confinement, there to undergo the Remainder of his Imprisonment, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall on the Production of such Order be discharged or removed accordingly; and when any Prisoner shall be removed by any Governor, Gaoler, or Keeper in pursuance of any such Order such Governor, Gaoler, or Keeper shall be allowed for the Charge of the Removal and Conveyance a Sum not exceeding One Shilling *per* Mile; and every Governor, Gaoler, Keeper, and Officer having the Charge or Command of any Prison, Gaol, House of Correction, Place, Ship, or Vessel of Imprisonment in which the Prisoner is to undergo the Remainder of his Imprison-

ment shall, upon being furnished with a Duplicate of the Order of Imprisonment, and of the Order of Removal, receive into his Custody and confine the Prisoner pursuant thereto.

Subsistence of Prisoners.

IV. And be it enacted, That the same Amount shall be paid by the Naval Department to any Governor, Gaoler, or Keeper towards the Subsistence of any Prisoner whatever confined under the Provisions of this Act as is or may be payable towards the Subsistence of Prisoners confined under Sentence of Naval Courts-martial.

Prisoners not to be entitled to Pay or to reckon Time while in Confinement.

V. And be it enacted, That every Person belonging to Her Majesty's Navy who shall be summarily imprisoned under the Provisions of this Act shall not be entitled to any Pay or Wages, or to reckon Service for or towards Pay, Wages, or Pension, for any Period during which he shall be so imprisoned.

Admiralty may set apart Buildings and Ships as Naval Prisons, and appoint Officers and make Rules and Regulations for the Government of the same.

VI. And be it enacted, That it shall be lawful for the Lord High Admiral, and also for the Commissioners for executing the Office of Lord High Admiral, or any Two of them, if he or they think fit, to set apart any Building or Buildings, or Ship or Vessel, or Ships or Vessels, or any Part or Parts thereof, as Naval Prisons, and to declare that any Building or Buildings, or any Ship or Vessel, or Ships or Vessels, shall be, and thenceforth such Building or Buildings, Ship or Vessel, or Ships or Vessels shall be deemed and taken to be a Naval Prison and Naval Prisons, and every such Naval Prison shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Naval Prisons, belong to and may be exercised by the Lord High Admiral, and also by the Commissioners for executing the Office of Lord High Admiral, or any Two of them; and it shall be lawful for the Lord High Admiral, and also for the said Commissioners, or any Two of them, at any Time or Times, and from Time to Time, to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Naval Prison, and of the Officers and Servants thereof, and of Offenders confined therein, and the same shall be observed and enforced within such Prisons; and it shall be lawful for the Lord High Admiral, and also for the said Commissioners, or any Two of them, from Time to Time to appoint Inspectors and all other necessary Officers and Servants, for any such Naval Prison, and, as Occasion may arise, to remove the Inspectors, Officers, or Servants of any such Naval Prison; and the Officer commanding in chief at any Port or Place or on any Station where there may be any such Naval Prison, or such Officer commanding in chief, and such other Person and Persons as the Lord High Admiral or the said Commissioners may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and every Inspector, Visitor, or Officer having the Charge or Command of any such Naval Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made as aforesaid, have and exercise in respect of such Prison, and of the Officers and Servants thereof, and of the Prisoners confined

fined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

Offenders under Sentence of Courts-martial may be confined in Naval Prisons.

VII. And be it enacted That it shall be lawful, when the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, or any Two of them, shall at any Time or Times think proper, to confine in any such Naval Prison not only the Offenders therein-before mentioned, but also any Person who shall have been tried by a Naval Court-martial and sentenced to Imprisonment, or whose Sentence by a Naval Court-martial shall have been commuted to Imprisonment, or who, in consequence of his Sentence or of his commuted Punishment, shall be liable to be detained until his Sentence or commuted Punishment be carried into effect.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

VIII. And be it enacted, That if any Person shall convey or cause to be conveyed into any such Naval Prison any Arms, Tools, or Instruments, or any Mask or other Disguise to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and, upon being convicted thereof, shall be imprisoned, with or without hard Labour, for any Term not exceeding Two Years, or transported beyond the Seas for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds; and if any Person shall bring into such Prison, or to or for any Prisoner, without the Knowledge of the Officer having the Charge or Command thereof, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the said Officer, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or if the Offender be a Prisoner, he shall upon Conviction thereof, by a Board of not less than Three of the Visitors of the Prison, be liable to be sentenced for every such Offence to be imprisoned, either with or without hard Labour, and with or without solitary Confinement, for any Time not exceeding Six Calendar Months, in addition to so much of the Time for which he was originally sentenced as may be then unexpired.

Apprehension of Deserters.

IX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to belong to Her

Her Majesty's Navy, and to be a Deserter or improperly absent from his Duty, shall be found, or of any adjoining Place, and if no such Constable can be immediately met with to secure him then for any Person in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice in the United Kingdom, or in any of Her Majesty's Dominions or Territories, or in the Territories under the Government of the *East India* Company in or near such Place, who shall examine such suspected Person, and if by his Confession, or the Testimony of One or more Witness or Witnesses upon Oath, or by the Knowledge of such Justice it shall appear that any Person brought before him is a Person belonging to Her Majesty's Navy, improperly absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison, and shall transmit an Account thereof to the Secretary of the Admiralty, or to any Commander-in-Chief or Officer commanding any one of Her Majesty's Ships or Vessels, with a Description of such Person and the Name of the Ship or Vessel to which he shall or may be suspected to belong, or if any such Offender shall be apprehended by any Person in Her Majesty's Service, or shall be apprehended in the Vicinity of any one of Her Majesty's Ships or Vessels in Commission, then such Justice shall order him to be taken on board any such Ship or Vessel, instead of committing him to Prison; and in all Cases the Justice shall certify the Name of the Person by whom the Offender was apprehended, and such last-mentioned Person shall be entitled to a Reward for such Apprehension, according to the Amount which is or may be established by the Naval Regulations or Instructions for the Time being in that Behalf, or in case the Apprehension shall be under Circumstances for which no Reward is or may be established, the Amount of such Reward shall be any Sum in the Discretion of the Lord High Admiral, or the said Commissioners, or of the Officer commanding the Vessel to which the Deserter or Person who shall have been improperly absent shall belong, not exceeding Three Pounds, and the Reward shall in every Case be paid and charged against the Wages or Pay of any such Offender, and stopped out of the same; and for every such Information, Commitment, or Order and Account as aforesaid the Clerk of the said Justice may be entitled to a Fee of Two Shillings and no more, and every Gaoler and other Person into whose Custody any such Offender is committed shall immediately upon the Receipt of him pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person a Fee of Two Shillings and Sixpence, and such Sums shall be repaid to such Gaoler or other Person, and the same, together with Sixpence for every Day the Offender shall be in his Custody, which shall be paid to such Gaoler or other Person, shall be charged against the Pay or Wages of the Offender, and every Gaoler or other Person having the Custody of any such Offender shall deliver him up to any Person authorized to take charge of him by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or by any Naval Commander-in-Chief, or the Officer commanding any one of Her Majesty's Ships or Vessels, and any Person so authorized shall convey him in

safe Custody on board any one of Her Majesty's Ships or Vessels in Commission.

Fraudulent Confession of Desertion.

X. And be it enacted, That any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from any one of Her Majesty's Ships or Vessels, or improperly absent from such Ship or Vessel, or who while serving in any of Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer thereof confess himself to be a Deserter as aforesaid, or improperly absent as aforesaid, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter, or improperly absent from his Ship or Vessel as aforesaid, and his Statement shall not be true, he shall, if received into Her Majesty's Naval Service, be deemed in Her Majesty's Navy, and be liable to serve and be detained therein as if he had voluntarily entered, or in case such Person shall not be received into Her Majesty's Navy, he shall, on Conviction thereof before Two Justices of the Peace, at or near the Place where he shall deliver himself up or confess or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and a Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months.

Penalty for persuading Persons to desert or absent themselves from Duty.

XI. And be it enacted, That every Person who, by Words or any other Means whatsoever, shall persuade any Person in Her Majesty's Navy to desert or improperly absent himself from his Duty shall forfeit and pay the Sum of Twenty Pounds for every such Act; and every Person who shall assist or procure any Person in Her Majesty's Navy to desert or improperly absent himself from his Duty, or shall conceal, employ, or continue to employ any Person belonging to Her Majesty's Navy who shall be a Deserter, or improperly absent from his Duty, knowing him to be such a Deserter or so improperly absent, shall forfeit and pay the Sum of Thirty Pounds for every such Assistance, Procurement, Concealment, Employment, or continuing of Employment as aforesaid.

Penalty as regards Gaolers, &c.

XII. And be it enacted, That every Governor, Gaoler, and Keeper of any Prison, Gaol, or House of Correction, and every Officer having the Charge or Command of any Place, Ship, or Vessel for Imprisonment, who shall refuse or neglect to receive or confine, remove, discharge, or deliver up any Prisoner or Offender as herein prescribed, shall forfeit for every such Refusal or Neglect the Sum of One hundred Pounds.

Recovery and Application of Penalties.

XIII. And be it enacted, That all Penalties and Forfeitures imposed by this Act shall and may be recovered with Costs, either by Information or Complaint, by summary Proceedings before any Justice or Justices of the Peace residing in or near to the Place where the Offence shall be committed, or where the Offender shall at any Time happen to be, and whether the Offence be committed in or out of Her Majesty's Dominions, or within the Jurisdiction of the Admiralty of

of *England*, or not; and if the Sum imposed as a Penalty by any such Justice or Justices shall not be paid, either immediately after the Conviction or within such reasonable Time as such Justice or Justices shall at the Time of the Conviction appoint, it shall be lawful for the Justice or Justices to commit the Offender or Offenders to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of such Justice or Justices, for any Term not exceeding Six Calendar Months, the Commitment to be determinable upon Payment of the Amount and Costs; and all Penalties and Forfeitures recoverable under this Act shall be paid and applied in manner following; (that is to say,) One Moiety of such Penalty shall be paid to the Informer or Complainant, and the Residue thereof shall be paid to the Commissioners of *Greenwich* Hospital, any thing in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding. 5 & 6 W. 4. c. 76.

Power to summon Witnesses.

XIV. And be it enacted, That any Justice or Justices of the Peace may summon any Witness to appear and give Evidence before him or them upon any Matter cognizable under this Act, at a Time and Place appointed for hearing the Information or Complaint, and by Warrant under his Hand and Seal or their Hands and Seals may require any Person to be brought before him or them, who shall neglect or refuse to appear to give Evidence at the Time or Place appointed in such Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted; and such Justice or Justices may commit any Person coming or brought before him or them, who shall refuse to give Evidence, to any Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until such Person shall sooner submit himself to be examined, and in case of such Submission the Order of any such Justice or Justices shall be sufficient Warrant for the Discharge of such Person.

Form of Conviction.

XV. And be it enacted, That the Justice or Justices before or by whom any Person or Persons shall be summarily convicted of any Offence against this Act, may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; (that is to say,)

'BE it remembered, That on the Day of
'in the Year of our Lord at , in
'the County of [*or*, Riding, Division, Liberty,
'City, *et cætera, as the Case may be*,] *A. O.* is convicted before
'me [*or* us, *naming the Justice or Justices*,] One [*or* Two] of
'Her Majesty's Justices of the Peace for the said County [*or* Riding,
'*et cætera*], for that he the said *A. O.* did [*specify the Offence and*
'*the Time and Place when and where the same was committed, as*
'*the Case may be*,] and I [*or* we] the said Justice [*or* Justices] do
'adjudge the said *A. O.*, for his said Offence, to forfeit and pay the
'Sum

'Sum of [*here state the Amount of Fine imposed,*] 'and I [*or* we] the said Justice [*or* Justices] do also adjudge the 'said *A. O.* to pay the Sum of for Costs; and in default 'of immediate Payment of the said Sums of and '[*or* in default of Payment of the said Sums of and 'on or before the Day of] I [*or* 'we] the said Justice [*or* Justices] do adjudge the said *A. O.* to be 'imprisoned [*or* to be imprisoned and kept to hard Labour] in 'the for the Space of unless the said 'Sums shall be sooner paid; and I [*or* we] direct that the Sum 'of , Part of the said Penalty, together with the said 'Sum of for Costs, shall be paid to *C. D.* [*the Party 'informing or complaining,*] and the Residue of the said Penalty 'shall be paid to the Commissioners of Greenwich Hospital.

'Given under my Hand [*or* our Hands] the Day and Year first 'above written.'

No Certiorari, &c.

XVI. And be it enacted, That no Conviction under this Act shall be quashed for Want of Form, or be removed by Certiorari or otherwise, into any of Her Majesty's Superior Courts of Record, and no Warrant, Commitment, or Order for Imprisonment shall be held void by reason of any Defect therein, provided it be therein alleged that the Person has been convicted or ordered to be imprisoned, and there be a good and valid Conviction or an Offence to sustain the same.

Act may be amended, &c.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

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